

3-17-2014

# Posaid v. State Outfitters and Guides Licensing Bd. Clerk's Record v. 3 Dckt. 41397

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IN THE  
**SUPREME COURT**  
OF THE  
**STATE OF IDAHO**

A.T. SANDY PODSAID,

**COPY**

Petitioner-Appellant, and

Volume 3

VS.

STATE OF IDAHO OUTFITTER,

**LAW CLERK**

Respondents, and

Appealed from the District Court of the First  
Judicial District for the State of Idaho, in and  
for Shoshone County County

Hon. Fred Gibler District Judge

Susan Weeks

**SEE AUGMENTATION RECORD**

Attorney for Appellant

Michael Kane

FILED - COPY

MAR 17 2014  
Attorney for Respondent

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Clerk

By \_\_\_\_\_ Deputy

CAXTON PRINTERS, CALDWELL, IDAHO 83244

41397

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CV-2009-440**

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**SUPREME COURT NO. 41397-2013 DISTRICT COURT NO'S. CV-2008-807and  
CV-2009-440**

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STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2009 NOV -3 PM 5:01

PEGGY WHITE  
CLERK DIST. COURT  
BY: *[Signature]*  
DEPUTY

SUSAN P. WEEKS  
JAMES, VERNON & WEEKS, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0685  
Facsimile: (208) 664-1684  
ISB #4255

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

IDAHO OUTFITTERS AND GUIDES  
LICENSING BOARD,

Respondent.

State of Idaho )  
County of Kootenai )

ss.

CASE NO. CV 09-440

AFFIDAVIT OF A.T. "SANDY"  
PODSAID IN OPPOSITION TO  
RESPONDENT'S MOTION TO  
DISMISS

A.T. "Sandy" Podsaid, being duly sworn, deposes and states:

1. I am the petitioner in the foregoing action and have personal knowledge of each of the facts set forth herein and I am competent to testify to these facts.

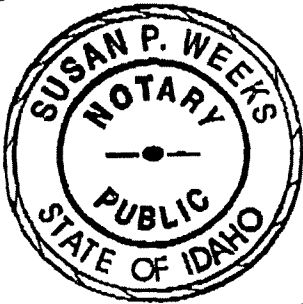
2. I applied for a license renewal upon the form provided by the Idaho Outfitters and Guides Licensing Board, a copy of which is attached hereto as Exhibit "A".

MOTION TO SHORTEN TIME TO HEAR PETITIONER'S MOTION TO STAY: 1

3. I have never had to undergo an examination to renew my license.
4. No part of my application fee was returned to me or my sponsoring outfitter.
5. Because of the posture taken by the Board, I have been unable to earn any income in my profession as a guide in Idaho. This state of affairs has caused me great financial loss and irreparable harm as I am unable to pursue employment given the actions of the Board.

*A.T. Sandy Podskid*  
 A.T. "SANDY" PODSKID

SUBSCRIBED AND SWORN TO before me this 11 day of November, 2009.



*Susan P. Weeks*  
 Notary Public  
 Residing at: Coeur d'Alene, ID  
 Commission expires: 8/31/15

MOTION TO SHORTEN TIME TO HEAR PETITIONER'S MOTION TO STAY: 2

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 3<sup>rd</sup> day of November, 2009, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Facsimile(208) 342-2323

Steven P. Wechs

RECEIVED

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
1365 North Orchard - Room 172 - Boise, Idaho 83706  
Telephone (208) 327-7380 - Fax (208) 327-7382  
licensing@oglb.idaho.gov - www.oglb.idaho.gov

DEC 12 2008

STATE OF IDAHO  
OUTFITTERS & GUIDES BOARD

## GUIDE LICENSE APPLICATION

For Board Use Only

New Applicant: ☐ Renewal: ☒  
Please check one

Guide License # 2594Resident: ☒ Non-Resident: ☐Social Security # [REDACTED]

Green Card # \_\_\_\_\_

Amount paid / date

Remitter

Check # / Type

## (A) Method of Payment

We cannot accept cash AT ANY TIME, OR personal checks AND/OR credit cards FROM GUIDES!

Off-line License Fees: In the form of a money order, cashier's check, certified check, or a check from an Idaho licensed outfitter made payable to the Idaho Outfitters and Guides Licensing Board (IOGLB), OR your outfitter may agree to pay your fees using their credit card.

On-Line License Fees: This will include Access Idaho's convenience fee. We cannot process new guide applications online at this time.

All first time applications must be accompanied by a processing fee.

A processing fee will be assessed on all returned checks or unprocessable credit cards.

Current fees can be found at IOGLB's website at [www.oglb.idaho.gov](http://www.oglb.idaho.gov)

PLEASE SEE REVERSE TO SUPPLY CREDIT CARD INFORMATION.

## (B) Personal Data (PLEASE PRINT LEGIBLY) - Legal Name - Last, First and Middle

Legal Name AT. Sandy Pollock Maiden Name \_\_\_\_\_ Other Known Name \_\_\_\_\_  
(Last Name, First & Middle)

Permanent Address (Outfitter Address is NOT Acceptable) 357 Mountain Ridge LN.City KINGSTON ID State ID Zip Code 83839Gender M Hair BRN Height 5'9" Weight 220 Eye Color BLBirthdate 9-3-54 Phone Number (208) 682-3395 Drivers License # CB 1793720

## (C) Guide Certification (Please see WARNING on reverse.)

## IMPORTANT - READ THOROUGHLY, COMPLETE AND SIGN

I certify that I:

- \*HAVE ☐ HAVE NEVER ☒ been convicted of or received a withheld judgment for a felony in any state, pursuant to 36-2113, I.C.
- \*HAVE ☒ HAVE NEVER ☐ paid two (2) or more forfeitures of any deposits of money or collateral with a court or administrative agency for a conviction for violation of regulations of the United States Forest Service or the Bureau of Land Management;
- \*HAVE ☒ HAVE NEVER ☐ been convicted of any violation or paid any funds to a court with respect to a citation of any state or federal fish and game laws or outfitting and guiding laws of ANY state;
- \*HAVE ☐ HAVE NEVER ☒ forfeited bail or collateral deposited to secure appearance on a charge of violation of the Fish and Game laws of the State of Idaho;
- \*HAVE ☒ HAVE NEVER ☐ been found to have committed a violation of the Idaho Outfitters and Guides Act or Board Rules, or been denied an outfitter or guide license in any state.

\*A conviction includes any forfeiture of bail, bond or collateral, suspended sentence, probation or withheld judgment.

\*If you marked HAVE on any of the above, you must attach an explanation (court disposition and police report for felonies), including the year and location. If a violation has been reviewed previously, please indicate "on file" next to violation.

I will have a valid First Aid Card in my possession and readily available before guiding.

Signature of Guide Applicant: AT. Sandy PollockDate: 12-11-08

(See Reverse)

EXHIBIT A

Page 1 of 2

474



# RECEIVED

GUIDE APPLICANT NAME \_\_\_\_\_

(D) Outfitter/Designated Agent Certification (please indicate activities this guide will be performing) **DEC 12 2008**

1. I hereby certify the above named guide applicant meets the minimum qualifications, as set forth in Rule 033, to provide guided services for which I am licensed. "Recreation" category includes all recreational activities licensed to employing outfitter. (Level I and II skiing, snowmobiling, and mountaineering are listed separately because they require specific training.)

☒ Hunting\*      ☐ Boating      ☒ Recreation  
☐ Apprentice      ☐ Float\*      ☐ Skiing Level I\*  
☐ Power\*      ☐ Lead Boatman\*      ☒ Skiing Level II\*  
☐ Snowmobiling\*      ☐ Technical Mountaineering\*

\*Applicants for new or additional activities: appropriate training credentials must accompany this application.

2. I certify that this guide will have a valid first aid card and a guide license before they begin to guide. I will keep the original or a legible copy of the first aid card on file. I understand that they must provide the guide license for review at the request of any authorized individual pursuant to Board Rule 005.

X Signature of Employing Outfitter(s)      Print Name Here      Outfitters License #      Date  
Scott Boulanger      14524      12/11/08

(E) Credit Card Authorization (MasterCard or Visa only)

Authorization to Use Credit Card on File      Amount \$ 10

Outfitter Signature      Outfitter Printed Name      Outfitter License #  
Scott A Boulanger      14524

OR

Outfitter Credit Card Authorization (Outfitters who want to use a card that is not on file)      Amount \$ \_\_\_\_\_

Print cardholder name \_\_\_\_\_ # on Card \_\_\_\_\_

Cardholder Signature \_\_\_\_\_ Exp. Date \_\_\_\_\_

Outfitter Signature \_\_\_\_\_ Outfitter Printed Name \_\_\_\_\_

Outfitter License # \_\_\_\_\_

## APPLICATION COMPLETED CHECKLIST

### DID YOU

- ☐ Complete all appropriate sections of the application?
  - ☐ Sign Application?
  - ☐ Have your employing outfitter(s) sign the Outfitter and First Aid Certification (Section D)? Credit Card Authorization?
- NOTE: The outfitter must have a valid license. If you are intending to secure signatures of multiple outfitters, we will only license you to those that have a valid license at the time you are licensed. Once your guide license is issued, an amendment fee will be required to add additional outfitter(s) or activities for those employing outfitters.
- ☐ Enclose your license fee? (If outfitter is not paying license fee)
  - ☐ Attach your training form(s) for new activities or new outfitters to the application?

### WARNING:

Forging or altering first aid card or other documents required for a license to the state is a felony. Pursuant to §36-2113(a), Idaho Code, a license is also subject to denial, suspension, revocation or restriction by the Board for supplying false information or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of Title 36, Chapter 21, Idaho Code.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

Judge Shaler  
District Judge Presiding

Date 11-9, 2009

Reporter Byrl Cinnamon

Place Wallace, Idaho

Case # CV-09-440

APPEARANCES:

Susan Weeks - (open Cr.)  
For Plaintiff

Mike Kane (via telephone)  
For Defendant

Podsaia  
Plaintiff

vs.

Idaho Outfitters  
Defendant

Tapes: 2009-15

SUBJECT OF PROCEEDING:

Respondent's mtn to Dismiss

BE IT KNOWN that the following proceedings were had, to wit:

Log # Speaker

3:01	J	Calls
	Da	LC 36-2114
		Sept Hrg was Crd.
		Hold matter in abeyance until Hrg.
	J	2 Cases going. Can be Crusing.
		No's suggesting - Crd delay request
		until Admin. Hrg heard.
3:07	Pa	I've submitted mtn 40 days for
		Mediation. - no obj in holding
		in abeyance this case until Admin Hrg heard.
	J	Hold this case in abeyance until Admin
		Hrg heard.

476

COURT MINUTES

(continued)

Page # 2009-15

Case # CV-09-440

Date 11-9-09

Page # 2009-15

J Speaks to Mediation in both cases between Poddaia & the Board.

Da I'm happy to talk about it. Counsel & I have spoken about mediation.

Pa I'll try to hold prep & try to hold mediation.

J Part of mediation trying to get things resolved w/o incurring more fees.

Da <sup>Board</sup> Hrg has been set for Dec.

Pa I've rec'd but haven't read it.

J OK- Keep mtn for Mediation ~~for~~ on 11/16 @ 2:00

I'd really like to see you mediate-

3:12

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

Judge Miller  
District Judge Presiding

Depl Cinnamon  
Reporter

Date 11-16, 20 09

Place Wallace, Idaho

Sandy Padcaide  
Plaintiff

vs.

Idaho outfitters  
Defendant

Case # C V-09-440

APPEARANCES: C V-08-807

Susan Weiss  
For Plaintiff

Laura Chess  
For Defendant

Telecon

Tapes: 2009-15

SUBJECT OF PROCEEDING:

Mtn For order for mediation

BE IT KNOWN that the following proceedings were had, to wit:

Log # Speaker

2:01	J	Call
	Pa	Requesting Mediation - Moving towards - asks for order
	Da	Board hrg in Dec. Board willing to vacate
	J	Parties feel need order staying
	Pa	I think OK for mediation embody the stay
	J	Parties would need to get back w/me. I'll keep
		I'll enter order staying until receiving results of mediation. If you cannot agree on mediator, I'll appoint one.

COURT MINUTES

Page 1 of 2 Pages

478

Bonnie Johnson  
Deputy Clerk

COURT MINUTES

(continued)

Pages: 2009-15

CIV 09-440  
08-807

11-16-09

Page 21 Summary

Re 2nd or 3rd week Clear for St.  
Hospice Mediate done before  
end of year.

2:07 PM

STATE OF IDAHO  
COUNTY OF SHOSHONE

2010 JUL 14 PM 1:20

PEGGY WHITE

-Marka Anson

**MICHAEL J. KANE**  
**MICHAEL KANE & ASSOCIATES, PLLC**  
 1087 W. River Street, Suite 100  
 Post Office Box 2865  
 Boise, Idaho 83701-2865  
 Telephone: (208) 342-4545  
 Facsimile: (208) 342-2323  
 Idaho State Bar No. 6207

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
 GUIDES LICENSING BOARD, a state  
 agency.

Respondent.

Case No. CV-08-0807  
 CV-09-440

AMENDED STIPULATION FOR  
 CONSIDERATION OF GUIDE  
 LICENSE APPLICATION FOR  
 2010-2011 LICENSE

COME NOW Petitioner A.T. "SANDY" PODSAID ("Podsaid"), by and through his counsel of record Susan P. Weeks of the firm James, Vernon & Weeks, PA and Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD ("Board"), by and through its counsel of record, Michael J. Kane, of the firm Michael Kane & Associates, PLLC, and hereby stipulate and agree that the Board shall consider and issue an order regarding the application

for a guide license, submitted by Podsaid and Mr. Scott Boulanger to the Board on or about March 30, 2010, on or before November 30, 2010.

DATED this 13<sup>th</sup> day of July, 2010.

JAMES, VERNON & WEEKS, PA

BY: Susan P. Weeks  
SUSAN P. WEEKS  
Attorneys for Appellant

DATED this 13 day of July, 2010.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane  
MICHAEL J. KANE  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13 day of July, 2010, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Attorney for Petitioner Podsaid:  
Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

☒ U.S. Mail  
☐ Hand Delivery  
☐ Overnight Mail  
☐ Facsimile

Michael Kane  
MICHAEL J. KANE

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2011 MAY -2 PM 1:26

PEGGY WHITE  
CLERK DIST COURT  
BY *[Signature]*  
DEPUTY

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent.

Case No. CV-09-440

STIPULATION TO LIFT STAY AND  
PROCEED WITH APPEAL

COMES NOW the parties in the above entitled cause, by and through their attorneys of record, and hereby stipulate to lift the stay and proceed with the appeal in the above matter as mediation was not successful.

DATED this 29 day of April, 2011.

Michael Kane & Associates, PLLC

*Michael Kane*

Michael Kane  
Attorney for Respondent

James, Vernon & Weeks, P.A.

*Susan P. Weeks*

Susan P. Weeks  
Attorney for Petitioner

STIPULATION TO LIFT STAY AND PROCEED WITH APPEAL: 1



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2nd day of May, 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (FAX) (208) 342-2323

Christine Elmore

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2011 MAY -3 .AM 10:28

PEGGY WHITE  
CLERK DIST. COURT  
BY *Donnie Johnson*  
DEPUTY

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent.

Case No. CV-09-440

ORDER TO LIFT STAY  
AND PROCEED WITH APPEAL

Based upon the Stipulation signed by the parties and filed with the Court, the Stay in this case is hereby lifted and parties shall proceed with appeal. *The hearing scheduled for May 9, 2011 is vacated.*

DATED this 3<sup>rd</sup> day of May, ~~2010~~ 2011

By *Fred M Gibler*  
Fred M. Gibler  
District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 3rd day of May, 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (FAX) (208) 342-2323

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (FAX) (208) 664-1684

Bonnie Johnson  
Deputy Clerk

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 FEB -2 PM 4:28

PEGGY WHITE  
CLERK DIST. COURT  
BY [Signature]  
DEPUTY

SUSAN P. WEEKS  
JAMES, VERNON & WEEKS, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0685  
Facsimile: (208) 664-1684  
ISB #4255

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

IDAHO OUTFITTERS AND GUIDES  
LICENSING BOARD,

Respondent.

Case No. CV-09-440

PETITIONER'S MOTION TO SET  
BRIEFING SCHEDULE ON APPEAL

COMES NOW Petitioner, by and through his attorney of record and hereby moves the Court pursuant to rule 84(o), I.R.C.P., and hereby requests the Court set briefing schedule on appeal. The District Clerk has provided a hearing date of February 13, 2012 for this motion.

Oral argument is requested. There is no objection to the opposing side attending telephonically.

DATED this 2<sup>nd</sup> day of February 2012.

JAMES, VERNON & WEEKS, P.A.

By [Signature]  
Susan P. Weeks  
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of February, 2012, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Facsimile(208) 342-2323

Christine Elmore

MICHAEL J. KANE  
MICHAEL KANE & ASSOCIATES, PLLC  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 2652

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 MAY -1 PM 3: 54

PEGGY WHITE  
CLERK DIST. COURT  
BY Marla Hanson  
DEPUTY

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,	)	
	)	
Petitioner,	)	Case No. CV-09-440
	)	
vs.	)	
	)	MOTION TO DISMISS FOR
	)	FAILURE TO PROSECUTE
STATE OF IDAHO OUTFITTERS AND	)	
GUIDES LICENSING BOARD, a state	)	
agency.	)	
	)	
Respondent.	)	
	)	

---

COMES NOW Michael J. Kane, of the firm Michael Kane & Associates, PLLC, Enforcement Attorney for the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD (hereinafter "Board"), in the above-entitled matter and hereby moves the court to dismiss the appeal on the grounds and for the reason that pursuant to Idaho Rule of Civil Procedure 84(n), Petitioner has failed to prosecute this matter.

This motion is based on the files and records maintained herein and the memorandum in support filed herewith.

DATED this 1 day of May, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane  
MICHAEL J. KANE  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1 day of May, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

X U.S. Mail  
       Hand Delivery  
       Overnight Mail  
  X   Facsimile

Michael Kane  
MICHAEL J. KANE

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 MAY -1 PM 4:02

PEGGY WHITE  
CLERK DIST. COURT  
BY Maria Anson  
DEPUTY

MICHAEL J. KANE  
MICHAEL KANE & ASSOCIATES, PLLC  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 6207

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

v.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state  
agency.

Respondent.

Case No. CV-08-0807  
CV-09-440

AFFIDAVIT OF MICHAEL J.  
KANE IN SUPPORT OF MOTION  
TO DISMISS FOR FAILURE TO  
PROSECUTE

STATE OF IDAHO )

: ss.

County of Ada )

I, MICHAEL J. KANE, being first duly sworn, depose upon oath and state:

490

AFFIDAVIT OF MICHAEL J. KANE IN SUPPORT OF MOTION TO DISMISS FOR FAILURE TO PROSECUTE

—Page 1



1. That I am the Enforcement Attorney for Respondent, Idaho Outfitters and Guides Licensing Board (hereinafter "Board"), in the above-entitled matter and the following is true and correct to the best of my knowledge and belief.

2. I have communicated with Ms. Weeks, counsel for Petitioner, numerous times over the last few years regarding this case. With respect to the agency record, based on conversations with Ms. Weeks, I believed the issues were resolved and there was no dispute over the record. I wrote Ms. Weeks a letter to this effect but never received a response. Attached as Exhibit A is a true and correct copy of my letter to Ms. Weeks dated February 7, 2012.

3. I have continued to contact Ms. Weeks by telephone, electronic correspondence and mail in an attempt to move this case forward, but have not received any meaningful response. Attached as Exhibit B is a true and correct copy of electronic correspondence dated August 29, 2011 and July 15, 2011.

Further your Affiant sayeth naught.

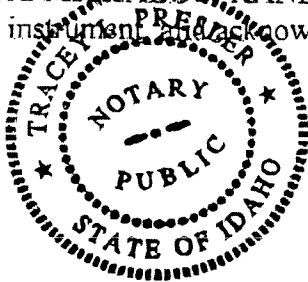
Dated this 1 day of May, 2012.



MICHAEL J. KANE

State of Idaho )  
 ) ss.  
County of Ada )

On this 1 day of May, in the year 2012, before me, a notary public, personally appeared MICHAEL J. KANE, known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same.



Tracey J. Rush  
Notary Public for state of Idaho  
Residing at: Bon  
My Commission Expires: 5-16-15

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1 day of May, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Attorney for Petitioner Podsaid:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

X  U.S. Mail  
  Hand Delivery  
  Overnight Mail  
 X  Facsimile

Michael Kane  
MICHAEL J. KANE

492

**MICHAEL KANE & ASSOCIATES, P. C.**

**ATTORNEYS**

MICHAEL J. KANE  
KRISTEN A. ATWOOD  
BARBARA BEEHNER-KANE

BLUE HERON BUILDING  
1087 WEST RIVER STREET, SUITE 100  
P. O. BOX 2865  
BOISE, IDAHO 83701-2865

TELEPHONE  
(208) 342-4545  
FACSIMILE  
(208) 342-2323

February 7, 2012

*Sent Via Facsimile To: #(208) 664-1684 and First Class Mail*

Ms. Susan P. Weeks  
James, Vernon & Weeks, PA  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

Re: *A.T. "Sandy" Podsaid v. State of Idaho Outfitters and Guides Licensing Board*  
Shoshone County Case Nos. CV-08-0807 and CV-09-440  
MKA File No. 224.150

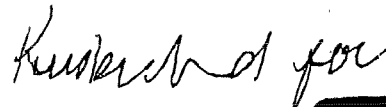
Dear Ms. Weeks:

With respect to both of the above-entitled cases, I received the Notices of Hearing and Motions to Set the Briefing Schedule on Appeal. As you have discussed with Kristen Atwood of my office, I am unavailable on February 13, 2012 so I appreciate your willingness to reschedule the date of the hearings.

However, in the Notice of Hearing for Case No. CV-08-807, you stated that your Objection to the Lodged Agency Record would be addressed. This issue was briefed and filed with the court in 2009, and based on correspondence with you since that time, I was under the impression that any problems with the agency record had been resolved. If this is not the case, please let me know exactly what you would like changed in the agency record so we can try and resolve this issue without a hearing.

I look forward to hearing from you as soon as possible. Thank you for your time and attention.

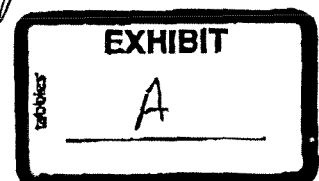
Yours very truly,



MICHAEL J. KANE

MJK:kaa

cc: Jake Howard, Executive Director, IOGLB



TRANSMISSION VERIFICATION REPORT

TIME : 02/07/2012 12:33  
NAME : KANE & ASSOCIATES  
FAX : 2083422323  
TEL : 2083424545  
SER.# : BROM7J748898

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

02/07 12:33  
12086641684  
00:00:25  
01  
OK  
STANDARD  
ECM

**RE: Inquiry re status of Podsaid cases**

Mike Kane

**Sent:** Monday, August 29, 2011 11:11 AM**To:** Mike Kane; sweeks@jvwlaw.net**Cc:** Jake Howard [Jake.Howard@oglbo.daho.gov]2008-807  
2009-440

Susan, I wanted to follow up on this case. Is there anything that is preventing us from going ahead on the briefing? I think the ball is in your court.

Alternatively, do you want to stipulate to dismiss the appeals? I really do not see what Mr. Podsaid gains here even if he prevails. The original appeal dealt with whether or not his license expired in December 09 or March 10. Since you got the court to order that the license continued to March 10 what are we arguing about?

Let me know what you want to do here.

**Michael J. Kane***Michael Kane & Associates, PLLC*

Phone: #(208) 342-4545

Fax: #(208) 342-2323

This communication, including any attachment, contains information that may be confidential and/or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, you should delete this message and are hereby notified that any disclosure, copying, or distribution of this message is strictly prohibited. If you receive this email in error, please contact the sender immediately either by return email or at #(208) 342-4545.

**From:** Mike Kane**Sent:** Friday, July 15, 2011 2:27 PM**To:** 'sweeks@jvwlaw.net'**Cc:** Jake Howard**Subject:** Inquiry re status of Podsaid cases

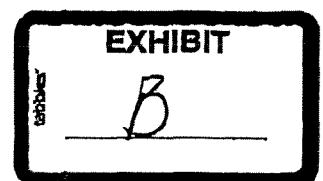
I left you a voice mail today but wanted to follow up. I think where we are is that you need to file a brief in each case. As to the first appeal, the court is in receipt of our response to your record objections. The transcript is done. As to the second appeal, there is no record because there was no hearing and obviously there is no transcript. However, I have provided the court with a set of exhibits which were attached to my motion to dismiss. I have no objection to calling that the "record" if you wish. The stay is lifted in both cases. Am I missing something? If so, let me know what it is. I'd like to see if we can get this case out of limbo.

**Michael J. Kane***Michael Kane & Associates, PLLC*

Phone: #(208) 342-4545

Fax: #(208) 342-2323

This communication, including any attachment, contains information that may be confidential and/or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, you should delete this message and are hereby notified that any disclosure, copying, or distribution of this message is strictly prohibited. If you receive this email in error, please contact the sender immediately either by return email or at #(208) 342-4545.



495

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 MAY -1 PM. 3: 54

PEGGY WHITE  
CLERK DIST. COURT  
BY Marla Anson  
DEPUTY

MICHAEL J. KANE  
MICHAEL KANE & ASSOCIATES, PLLC  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 2652

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state  
agency.

Respondent.

Case No. CV-09-440

MEMORANDUM IN SUPPORT  
OF MOTION TO DISMISS FOR  
FAILURE TO PROSECUTE

COMES NOW Michael J. Kane, of the firm Michael Kane & Associates, PLLC,  
Enforcement Attorney for the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES  
LICENSING BOARD (hereinafter "Board"), in the above-entitled matter and hereby moves the  
court to dismiss the appeal on the grounds and for the reason that pursuant to Idaho Rule of Civil  
Procedure 84(n), Petitioner has failed to prosecute this matter.

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Petitioner filed the Petition for Judicial Review in this case on July 23, 2009. In the Amended Petition for Judicial Review of Final Order, Petitioner stated that he was seeking review of a *letter* from Respondent, dated July 14, 2009. That letter was in response to Petitioner's request for a hearing from Respondent's decision at a board meeting in June 2009 as well as copies of exhibits admitted at the meeting. The July 14, 2009 letter detailed the Board's action and included copies of exhibits and a record of the meeting. Respondent is unsure what Petitioner is appealing, since all that is referenced is a letter that Respondent sent Petitioner noticing a hearing date.

On May 3, 2011, an Order to Lift Stay and Proceed with Appeal was filed. However, Petitioner failed to proceed with the appeal for nearly a year and then finally filed a Motion to Set Briefing Schedule on Appeal and Notice of Hearing on February 2, 2012. The parties agreed to a hearing date in April 2012 but Petitioner failed to file the appropriate documents with the Court to schedule the hearing.

Pursuant to Idaho Rule of Civil Procedure 84(n), a party's failure "to timely take any other step in the process for judicial review ...may be grounds only for such other action or sanction as the district court deems appropriate, which may include dismissal of the petition for review." Since the Petition for Judicial Review was filed, Respondent has contacted counsel for Petitioner in an attempt to move the case forward and to resolve this matter. However, to date, there has been no hearing and Respondent has been unable to obtain any meaningful response from counsel for Petitioner. (see Affidavit of Michael J. Kane, filed simultaneously herewith).

Petitioner has failed to prosecute this case in a timely manner despite Respondent's efforts to move forward with the case. For these reasons, Respondent respectfully requests the Court dismiss the above-entitled action.

DATED this 1 day of May, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane  
MICHAEL J. KANE  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1 day of May, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

X U.S. Mail  
       Hand Delivery  
       Overnight Mail  
X Facsimile

Michael Kane  
MICHAEL J. KANE



STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 JUL -2 PM 3: 04

PEGGY WHITE  
CLERK DIST. COURT  
BY Malia Anson  
DEPUTY

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent.

Case No. CV-09-440

OPPOSITION TO MOTION TO  
RESPONDENT'S MOTION TO DISMISS

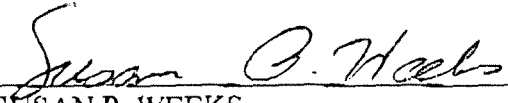
Respondent has moved pursuant to 84(n) to dismiss this matter for failure to prosecute. Petitioner must respectfully disagree that it has failed to prosecute. In point of fact, pursuant to Rule 84, the matter is not yet in a posture for Petitioner to move forward.

The agency in this matter failed to follow Rule 84. It has never lodged an agency record under Rule 84 as required. Petitioner scheduled a motion for February 23, 2012 to address this matter with the court. The petitioner agreed to continue the February 13, 2012 hearing scheduled to address these outstanding issues to July 9, 2012 to a time when Respondent's attorney would be available. This agreement was done as a professional courtesy for which Petitioner should not be punished. Petitioner would respectfully request the Court order Respondent to prepare and lodge the agency record as required by

01/02/2012 10:00 2000040  
JAMES VERNON  
PAGE 02/02  
Rule 84, I.R.C.P.

DATED this 2nd day of July, 2012

JAMES, VERNON & WEEKS, P.A.

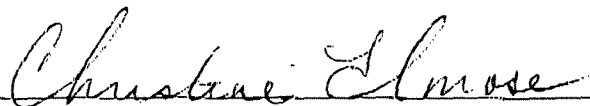
  
SUSAN P. WEEKS  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2<sup>nd</sup> day of July 2012, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane and Associates, PLLC  
P.O. Box 2865  
Boise, ID 83701-2865

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Telecopy (FAX) (208) 342-2323



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

**COURT MINUTES**

Gibbs  
District Judge Presiding

7/9, 20 12  
Date

B. Annamon  
Reporter

Wallace, Idaho  
Place

Podsaid  
Plaintiff

Case # 08-807/09-440

vs.

APPEARANCES: telephonic  
Swan Week  
For Plaintiff

St of Idaho Outfit  
Defendant

Kane - present  
For Defendant

Tapes:

SUBJECT OF PROCEEDING:

BE IT KNOWN that the following proceedings were had, to wit:

Log # Speaker

201	J	calls case. oana week telephonically.
	Kane	two appeals pending. Feb mtn
		filed - hq vacated no response
		from other side. get case dismissed.
		has slept on rights. get case
		settled.
	Weeks	anything but their fault.
		<del>Response</del> Rule 29 & 79 in Silver
		Rules. 8 on first appeal. 2nd appeal
		no record on agency with court.
		denying plt. his license. need
		agency record to move forward.
		Kane was unavailable from Feb
		- June.
209	Kane	I dont understand has copy of
		record of agency. more accept
		response. on record if judge accepts.
212	J	State did respond on Nov 9 req for mediation

COURT MINUTES

Page 1 of 501 Pages

Deo Jones  
Deputy Clerk

## COURT MINUTES

(continued)

Tapes # \_\_\_\_\_ Case # \_\_\_\_\_ Date \_\_\_\_\_

Log #	Speaker
-------	---------

012	J	ordered mediation. nothing happened till Feb. req for brief doc. was didn't occur. set hrg for record to get resolved.
	Wills	look at of Rule J.
015	J	thats rule is correct
	Wills	uncomfortable with talking about record.
016	J	rule of motion lack of prosecution agency cases. AHO v. IB Dept of Transp. mtr to deny. how long to hrg re agency record. excused.

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

Attorneys for Petitioner

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 JUL 11 PM 3:30

PEGGY WHITE  
CLERK DIST. COURT  
BY *Charlene*  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency.

Respondent.

CASE NO. CV-09-440

ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS

THIS MATTER came before the Court on Defendant's Motion to Dismiss on July 9, 2012. The Court having heard the argument of counsel, being fully advised in the premises, and having enunciated its decision in open court,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant's Motion to Dismiss is DENIED.

DATED this 11<sup>th</sup> day of July 2012.

*Fred M. Gible*  
FRED M. GIBLER  
District Judge

**CERTIFICATE OF SERVICE**

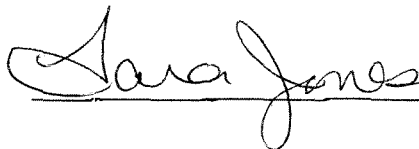
I HEREBY CERTIFY that on the 11 day of July 2012, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane and Associates, PLLC  
P.O. Box 2865  
Boise, ID 83701-2865

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Telecopy (FAX) (208) 342-2323

Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Telecopy (FAX) (208) 664-1684

  
\_\_\_\_\_

2012 AUG 14 PM 4:01

PEGGY WHITE  
CLERK DIST. COURT  
BY [Signature]  
DEPUTY

**MICHAEL J. KANE**  
**MICHAEL KANE & ASSOCIATES, PLLC**  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 2652

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A. T. "SANDY" PODSAID,	)	
	)	
Petitioner,	)	Case No. CV-09-440
	)	
vs.	)	
	)	NOTICE OF LODGING
STATE OF IDAHO OUTFITTERS AND	)	AGENCY RECORD
GUIDES LICENSING BOARD, a state	)	
agency.	)	
	)	
Respondent.	)	
	)	

---

COMES NOW the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES  
LICENSING BOARD, by and through its attorney of record, Michael J. Kane of the firm  
Michael Kane & Associations, PLLC, and hereby notifies the Court and all parties that the *Agency*  
*Record* in this matter was sent for lodging to the Clerk of the District Court, Shoshone County, on  
the 8<sup>th</sup> day of August, 2012.

A complete copy of the Agency Record was sent to Petitioner, by and through his attorney of  
record, Susan P. Weeks, along with a copy of this Notice on the 8<sup>th</sup> day of August, 2012.

Additional copies of the Record may be picked up at the office of Michael Kane & Associates, PLLC, located at 1087 West River Street, Suite 100, Boise, Idaho, between the hours of 8:30 a.m. and 5:00 p.m., at cost to the requestor of 25 cents per page. Please contact the office in advance at telephone #(208) 342-4545 to ensure a copy will be ready and available upon arrival.

The parties shall have fourteen (14) days from the date of this notice in which to file with the Agency any objection to the Record. An additional copy of any objection should be provided to the undersigned at the same time the objection is filed with the Agency. If no objection is filed within fourteen (14) days from the date of this notice, the Record will be deemed settled.

DATED this 8<sup>th</sup> day of August, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane  
MICHAEL J. KANE  
Attorneys for Respondent



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8<sup>th</sup> day of August, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Idaho Outfitters and Guides Licensing Board:

Mr. Jake Howard  
Executive Director  
Idaho Outfitters & Guides Licensing Board  
1365 N. Orchard, Room 172  
Boise, ID 83706  
[Facsimile: (208) 327-7382]

☒ U.S. Mail  
☐ Hand Delivery  
☐ Facsimile

Attorney for Petitioner:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
[Facsimile: (208) 664-1984]  
[Email: [sweeks@jvwlaw.net](mailto:sweeks@jvwlaw.net)]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

Attorney for Board Staff:

Mr. Roger Hales  
Naylor & Hales, P.C.  
950 W. Bannock, Ste. 610  
Boise, ID 83702  
[Facsimile: (208) 383-9516]  
[Email: [rjh@naylorhales.com](mailto:rjh@naylorhales.com)]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

  
\_\_\_\_\_  
MICHAEL J. KANE

2012 SEP -6 AM 8:26

PEGGY WHITE  
CLERK DIST. COURT

BY *[Signature]*  
DEPUTY

**MICHAEL J. KANE**

**MICHAEL KANE & ASSOCIATES, PLLC**

1087 W. River Street, Suite 100

Post Office Box 2865

Boise, Idaho 83701-2865

Telephone: (208) 342-4545

Facsimile: (208) 342-2323

Idaho State Bar No. 2652

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A. T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state  
agency.

Respondent.

Case No. CV-09-440

BOARD'S RESPONSE TO  
PODSAID'S OBJECTION TO  
LODGED AGENCY RECORD

COMES NOW the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD ("Board"), by and through its attorney of record, Michael J. Kane of the firm Michael Kane & Associations, PLLC, and hereby responds to Podsaid's Objection to Lodged Agency Record ("Podsaid's Objection").

Podsaid claims that lodging of the Agency Record "is out of compliance with Rule 84(j) because the transcript was not filed with the agency record." Rule 84(j) does not require that the record and transcript be filed simultaneously. In fact, Podsaid has not paid the required fee for

obtaining a copy of the transcript, so there is no transcript to be filed. The Board will not delay filing the Agency Record because Podsaid has not paid for the transcript.

As to Podsaid's list of documents that he claims are missing from the Agency Record, such documents have now been included as follows (listed and numbered as set forth in Podsaid's Objection):

1. Letter dated February 9, 2009 from Roger Hales to Susan Weeks. (R. 454).
2. Letter dated March 6, 2009 from Jake Howard to Scott Boulanger. (R. 455).
3. Letter dated April 30, 2009 from Jake Howard to Scott Boulanger and A.T. "Sandy" Podsaid. (R. 456-457).
4. Memorandum Regarding Applicant's Internet Advertising and attachments prepared by Michael Kane May 7, 2009. (R. 458-479).
5. Notice of Hearing signed July 1, **2010** (setting hearing July 22, 2010). (Note that in Podsaid's Objection, he stated that the Notice of Hearing was signed July 1, 2009, but the Board believes this date is incorrect). (R. 480-483).
6. Podsaid's Notice of Filing, with exhibits, filed September 11, 2009. (R. 484-639).
7. Letter dated September 11, 2009 from Susan Weeks to **Roger Hales**. (Note that in Podsaid's Objection, he stated that the letter was from Susan Weeks to Michael Kane, but the Board believes this is incorrect). (R. 640).
8. Notice of Hearing dated October 13, **2010** (setting hearing November 17, 2010) (Note that in Podsaid's Objection, he stated that the Notice of Hearing was signed October 13, 2009, but the Board believes this date is incorrect). (R. 641-643).
9. Notice of Hearing dated November 6, 2009 (setting hearing December 4, 2009). (R. 644-646).

As to Podsaid's claim that Exhibit 1 is missing OB-15 and OG-16, these documents have now been added to the Agency Record as R. 20A.

Finally, R. 327 was added to the Agency Record in error and has been removed.

DATED this 31 day of August, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane  
MICHAEL J. KANE  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31 day of August, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Idaho Outfitters and Guides Licensing Board:

Mr. Jake Howard  
Executive Director  
Idaho Outfitters & Guides Licensing Board  
1365 N. Orchard, Room 172  
Boise, ID 83706  
[Facsimile: (208) 327-7382]

☒ U.S. Mail  
☐ Hand Delivery  
☐ Facsimile

Attorney for Petitioner:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
[Facsimile: (208) 664-1984]  
[Email: [sweeks@jvwlaw.net](mailto:sweeks@jvwlaw.net) ]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

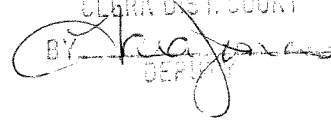
Attorney for Board Staff:

Mr. Roger Hales  
Naylor & Hales, P.C.  
950 W. Bannock, Ste. 610  
Boise, ID 83702  
[Facsimile: (208) 383-9516]  
[Email: [rjh@naylorhales.com](mailto:rjh@naylorhales.com) ]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

  
\_\_\_\_\_  
MICHAEL J. KANE

2012 SEP -6 AM 8:24

PEGGY WHITE  
CLERK DIST. COURT  
BY  DEPUTY

**MICHAEL J. KANE**  
**MICHAEL KANE & ASSOCIATES, PLLC**  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 2652

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A. T. "SANDY" PODSAID,	)	
	)	
Petitioner,	)	Case No. CV-09-440
	)	
vs.	)	
	)	NOTICE OF LODGING
STATE OF IDAHO OUTFITTERS AND	)	AMENDED AGENCY RECORD
GUIDES LICENSING BOARD, a state	)	
agency.	)	
	)	
Respondent.	)	
	)	

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COMES NOW the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD, by and through its attorney of record, Michael J. Kane of the firm Michael Kane & Associations, PLLC, and hereby notifies the Court and all parties that the *Amended Agency Record* in this matter was sent for lodging to the Clerk of the District Court, Shoshone County, on the 31<sup>st</sup> day of August, 2012.


A complete copy of the Amended Agency Record was sent to Petitioner, by and through his attorney of record, Susan P. Weeks, along with a copy of this Notice on the 31<sup>st</sup> day of August, 2012.

Additional copies of the Amended Agency Record may be picked up at the office of Michael Kane & Associates, PLLC, located at 1087 West River Street, Suite 100, Boise, Idaho, between the hours of 8:30 a.m. and 5:00 p.m., at cost to the requestor of 25 cents per page. Please contact the office in advance at telephone #(208) 342-4545 to ensure a copy will be ready and available upon arrival.

The parties shall have fourteen (14) days from the date of this notice in which to file with the Agency any objection to the Record. An additional copy of any objection should be provided to the undersigned at the same time the objection is filed with the Agency. If no objection is filed within fourteen (14) days from the date of this notice, the Record will be deemed settled.

DATED this 31<sup>st</sup> day of August, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY:   
MICHAEL J. KANE  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31<sup>st</sup> day of August, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Idaho Outfitters and Guides Licensing Board:

Mr. Jake Howard  
Executive Director  
Idaho Outfitters & Guides Licensing Board  
1365 N. Orchard, Room 172  
Boise, ID 83706  
[Facsimile: (208) 327-7382]

☒ U.S. Mail  
☐ Hand Delivery  
☐ Facsimile

Attorney for Petitioner:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
[Facsimile: (208) 664-1984]  
[Email: [sweeks@jvwlaw.net](mailto:sweeks@jvwlaw.net)]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

Attorney for Board Staff:

Mr. Roger Hales  
Naylor & Hales, P.C.  
950 W. Bannock, Ste. 610  
Boise, ID 83702  
[Facsimile: (208) 383-9516]  
[Email: [rjh@naylorhales.com](mailto:rjh@naylorhales.com)]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

  
\_\_\_\_\_  
MICHAEL J. KANE



**MICHAEL J. KANE**  
**MICHAEL KANE & ASSOCIATES, PLLC**  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 2652

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 SEP 17 AM 8:16

PEGGY WHITE  
CLERK DIST. COURT  
BY [Signature]  
DEPUTY

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A. T. "SANDY" PODSAID,	)	
	)	
Petitioner,	)	Case No. CV-09-440
	)	
vs.	)	NOTICE OF LODGING
	)	TRANSCRIPT
STATE OF IDAHO OUTFITTERS AND	)	
GUIDES LICENSING BOARD, a state	)	
agency.	)	
	)	
Respondent.	)	
	)	

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COMES NOW the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD, by and through its attorney of record, Michael J. Kane of the firm Michael Kane & Associations, PLLC, and hereby notifies the Court and all parties that the transcript of the June 17, 2009, hearing in this matter was sent for lodging to the Clerk of the District Court, Shoshone County, on \_\_\_\_ day of September, 2012.

A copy of the transcript was sent to Petitioner, by and through his attorney of record, Susan P. Weeks of the firm James, Vernon & Weeks, P.A., along with a copy of this Notice on that same

date. Additional copies of the transcript may be picked up at the office of Michael Kane & Associates, PLLC, located at 1087 West River Street, Suite 100, Boise, Idaho, between the hours of 8:30 a.m. and 5:00 p.m., at cost to the requestor of 25 cents per page. Please contact the office in advance at telephone (208) 342-4545 to ensure a copy will be ready and available upon arrival.

The parties have fourteen (14) days from the filing of this Notice in which to file with the Agency any objection to the transcript. An additional copy of any objection should be provided to the undersigned at the same time the objection is filed with the Agency. If no objection is filed within fourteen (14) days from the filing of this notice, the transcript will be deemed settled.

DATED this 11 day of September, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane  
MICHAEL J. KANE  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11 day of September, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Idaho Outfitters and Guides Licensing Board:

Mr. Jake Howard  
Executive Director  
Idaho Outfitters & Guides Licensing Board  
1365 N. Orchard, Room 172  
Boise, ID 83706  
[Facsimile: (208) 327-7382]

☒ U.S. Mail  
☐ Hand Delivery  
☐ Facsimile

Attorney for Petitioner:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
[Facsimile: (208) 664-1984]  
[Email: [sweeks@jvwlaw.net](mailto:sweeks@jvwlaw.net)]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

Attorney for Board Staff:

Mr. Roger Hales  
Naylor & Hales, P.C.  
950 W. Bannock, Ste. 610  
Boise, ID 83702  
[Facsimile: (208) 383-9516]  
[Email: [rjh@naylorhales.com](mailto:rjh@naylorhales.com)]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

  
MICHAEL J. KANE

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 SEP 25 PM 2:34

PEGGY WHITE  
CLERK DIST. COURT  
BY Maria Hanson  
DEPUTY

MICHAEL J. KANE  
MICHAEL KANE & ASSOCIATES, PLLC  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 6207

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A. T. "SANDY" PODSAID,	)	
	)	
Petitioner,	)	Case No. CV-09-440
	)	
vs.	)	NOTICE OF FILING AMENDED
	)	AGENCY RECORD
STATE OF IDAHO OUTFITTERS AND	)	
GUIDES LICENSING BOARD, a state	)	
agency.	)	
	)	
Respondent.	)	
	)	

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COMES NOW the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD, by and through its attorney of record, Michael J. Kane of the firm Michael Kane & Associations, PLLC, and hereby notifies the Court and all parties that the *Amended Agency Record for Judicial* ("Agency Record") in the above-entitled matter was received and lodged by the above-entitled court on September 6, 2012. No objection having been filed, pursuant to Idaho Rule of Civil Procedure 84(j) the Agency Record is now deemed settled and is hereby considered filed.

DATED this 25 day of September, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane

MICHAEL J. KANE

Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25 day of September, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Idaho Outfitters and Guides Licensing Board:

Mr. Jake Howard, Executive Director  
Idaho Outfitters & Guides Licensing Board  
1365 N. Orchard, Room 172  
Boise, ID 83706

  X   U.S. Mail

Attorney for Petitioner:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

  X   U.S. Mail

  X   Facsimile

[Facsimile: (208) 664-1684]

Attorney for Board Staff:

Mr. Roger Hales  
Naylor & Hales, P.C.  
950 W. Bannock, Ste. 610  
Boise, ID 83702

  X   U.S. Mail

Michael Kane  
MICHAEL J. KANE

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 OCT -2 AM 10:42

PEGGY WHITE  
CLERK DIST. COURT  
BY M. LaAnson  
DEPUTY

**MICHAEL J. KANE**  
**MICHAEL KANE & ASSOCIATES, PLLC**  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 2652

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A. T. "SANDY" PODSAID,	)	
	)	
Petitioner,	)	Case No. CV-09-440
	)	
vs.	)	NOTICE OF FILING
	)	TRANSCRIPT
STATE OF IDAHO OUTFITTERS AND	)	
GUIDES LICENSING BOARD, a state	)	
agency.	)	
	)	
Respondent.	)	
	)	

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COMES NOW the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD, by and through its attorney of record, Michael J. Kane of the firm Michael Kane & Associations, PLLC, and hereby provides notice that the transcript of the hearing occurring on June 17, 2009, was lodged was this court on September 17, 2012. No objection having been filed, the transcript is hereby considered settled and filed.

DATED this 2<sup>nd</sup> day of October, 2012.

MICHAEL KANE & ASSOCIATES, PLLC

BY: Michael Kane  
MICHAEL J. KANE  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2<sup>nd</sup> day of October, 2012, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Idaho Outfitters and Guides Licensing Board:

Mr. Jake Howard  
Executive Director  
Idaho Outfitters & Guides Licensing Board  
1365 N. Orchard, Room 172  
Boise, ID 83706  
[Facsimile: (208) 327-7382]

☒ U.S. Mail  
☐ Hand Delivery  
☐ Facsimile

Attorney for Petitioner:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
[Facsimile: (208) 664-1984]  
[Email: [sweeks@jvwlaw.net](mailto:sweeks@jvwlaw.net)]

☒ U.S. Mail  
☒ Facsimile  
☐ Email

Attorney for Board Staff:

Mr. Roger Hales  
Naylor & Hales, P.C.  
950 W. Bannock, Ste. 610  
Boise, ID 83702  
[Facsimile: (208) 383-9516]  
[Email: [rjh@naylorhales.com](mailto:rjh@naylorhales.com)]

☒ U.S. Mail  
☐ Facsimile  
☐ Email

Michael Kane  
MICHAEL J. KANE

Susan P. Weeks, ISB # 4255  
James, Vernon, & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

Attorneys for Petitioner

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2012 DEC 31 PM 1:30

PEGGY WHITE  
CLERK DIST. COURT  
BY [Signature]  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent.

CASE NO. CV-09-440

ORDER SETTING BRIEFING  
SCHEDULE AND NOTICE OF APPEAL  
HEARING

NOTICE IS HEREBY GIVEN that on the 8<sup>th</sup> day of April, 2013, at 1:45 p.m., or as soon thereafter as the matter may be heard, the undersigned shall hear appeal arguments in the above matter.

IT IS HEREBY ORDERED that Petitioner's appeal brief shall be due: January 14, 2013.

IT IS FURTHER ORDERED that Respondent's response brief shall be due: February 19, 2013.

IT IS FURTHER ORDERED that Petitioner's reply brief shall be due: March 18, 2013.

DATED this 31<sup>st</sup> day of December 2012.

[Signature]  
FRED M. GIBLER  
District Judge

522



**CERTIFICATE OF SERVICE.**

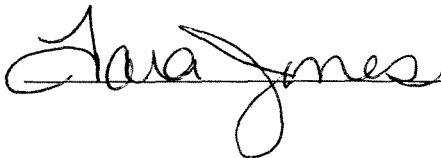
I HEREBY CERTIFY that on the 31 day of <sup>December</sup>~~July~~ 2012, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane and Associates, PLLC  
P.O. Box 2865  
Boise, ID 83701-2865

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Telecopy (FAX) (208) 342-2323

Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Telecopy (FAX) (208) 664-1684

\_\_\_\_\_

**COURT MINUTES**  
**PODSAID V OUTFITTERS**  
**CASE NUMBER: 08-807/09-440**  
**HEARING TYPE: ORAL ARGUMENT**  
**HEARING DATE: 4/8/13**  
**HEARING START TIME: 1:47P**  
**COURT REPORTER: BYRL CINNAMON**  
**COURT ROOM: 100**  
**PLT: SUSAN WEEKS**  
**DEF: MICHAEL KANE**

Log#	SPEAKER	PHASE OF CASE
147	J	CALLS CASE, SUSAN WEEKS IS PRESENT ALONG WITH PODSAID, DEFENSE MICHAEL KANE IS TELEPHONIC
	SW	STARTING WITH 2008CASE, IN JUNE OF 2008 THE ID OUTFITTERS LICENCING BOARD CONCERNED REQUESTFROM PODSAID FOR AMENDMENT TO HIS GUIDE LICENSE TO ALLOW HIM TO GUIDE FOR DARYL THORN, THERE IS NO REQ IN RECORD, THAT REQUEST WAS GRANTED BY BOARD AND AT THE SAME TIME A MTN MADE BY BOARD TO TERMINATE HIS LISENCE EFFECTIVE 12/31/2008. NO PROCEDURES FROM CODE WAS FOLLOWED WHEN TERMINATING, WAS DONE BY MTN AND BOARD MTG, PODSAID'S FORMER ATTORNEY MR MCHUGH PROTESTED PROCEDURE AND ASKED FOR RECONSIDERATION, THE RECONSIDERATION OCCURRED BUT CONDUCTED AS CONTESTED CASE, THE RECONDSIDERATION OCCURRED BUT CONDUCTED AS A CONDUCTED CASE RATJER THAN RECONCIDERATION, AND IMPROPERLY CALLED EXCUTIVE SESSION OCCURRED DURING THE HRG OF RECONCIDERATION, DELIBERATION OCCURRED AND CAME A MTN TO UPHOLD THE BOARDS PREV ACTION, PART OF THE REASONING FRM THE BOARD WAS THAT MR PODSIAD ACCORDING TO THE BOARD IN SECTION 9 OF THE SETTLEMENT AGMT HAD AGREED TO HAVE HIS LICENCSE FOR GUIDING TERMINATE EARLY, LOOK AT SECTION 9 OF SETTLEMENT AGMT THE ONLY THING ADDRESSED WITH THAT DATE MR PODSAID'S PROBATION WOULD END NOT THAT LICENSE WOULD TERMINATE, WHICH WOULD IN REFER THAT LICENSE WOULD CONTINUE BUT WOULD COME OFF PROB, IN THE FIRST ROUND OF PROCEEDINGS AN APPEAL WAS FILED ON THAT BECAUSE AGENCY DIDN'T FOLLOW TITLE 67 CHAPTER 52, 5240 REQ THEM TO HAVE A HRG IN AN APPROPRIATE CONTESTED CASE BEFORE IT TERMINATED PODSAID'S LISCENSE EFFECTIVE 12/08, CONTESTED HRG IS NOT A FAMILY IT IS A PROCESS , ON THE FIRST APPEAL IT IS APPROPRIATE TO HAVE IT REMANDED AND THAT MATTER

CONDUCTED AS A CONTESTED CASE WITH THE APPROPRIATE PROCEDURES FOLLOWED WHICH WAS NOT DONE IN THIS, THE NOH OF HEARING WHICH IS ON THE RECORD ON 36 ON THE 08 APPEAL, ALL IT SAID WAS TO CONSIDER THE APPLICATION OF PODSAID AND NO LEGAL AUTHORITY WAS INCLUDED, WHAT LITTLE NOTICE WAS GIVEN WAS NOT EVEN CORRECT, WASN'T TO CONSIDER A APPLICATION IT WAS TO CONSIDER THE TERMINATION OF LISCENSE, ASKING FOR YOU TO REMAND AND REVERSE THE TERMINATION OF PODSAID'S LICENCE IN THE FIRST APPEAL, ALSO ASKING AN INPARTIAL OFFICER TO HEAR THE MATTER, 2<sup>ND</sup> MATTER THIS COURT STAYED THE TERMINATION OF PODSAIDS LICENSE, UNDER STATUE 67 PODSAID WAS ENTITLED TO RENEW LICENSE AND IF HE DID SO HE WAS ENTITLED TO HAVE IT THAT RENEWAL PROCESS AS A RENEWING LICENSE. THE BOARD WOULD DETERMINE WOULD CONSIDER PODSAID NOT AS A RENEW BUT AS A NEW APPLICANT, AFTER DETERMINING HIM AS A NEW APPLICANT THEY WOULDN'T HAVE TO FOLLOW TITLE 67 AND FOLLOW PROCEDURES, THEY CHOSE TO ISSUE NOH AND THAT HEARING ITSELF INDICATED THAT PODSAID WAS TO APPEAR BEFORE BOARD TO CONDUCT A EXAMINATION TO ASSERTAIN THE QUALIFICATIONS OF APPLICANT FOR GUIDE LICENSE, THAT WAS THE NOTICE HE WAS GIVEN FOR THE PURPOSE OF HRG, LEG AL AUTHORITY FOR THIS HRG THE NOTICE OF HEARING THAT WAS CONTAINED IN THE RECORD OF R7 BEING DONE PURSUANT TO 362113 AND 362114 BOTH OF WHICH APPLY TO THE REVOCATION AND SUSPENSION OF A LICENSEE LICENSE, TITLE 67-5254 WHICH IS RIGHTS OF LICENCEE HOW IS RENEWING AND THE AGENCY'S ACTION THAT THEY CAN TAKE AGAINST THE LICENSEE AND THE PROCEDURES THEY HAVE TO AFFORD THE LICENSEE, EVEN THOUGHT CITED THAT THEY WERE TAKING THOSE PROCEDURES THEY DIDN'T FOLLOW THE STAUTE AGAIN AND WENT AHEAD AND MOVED FORWARD UNDER THE UMBRELLA THAT THEY WERE TREATING HIM AS A NEW APPLICANT, HOWEVER AS SAID IN BRIEF THEY DIDN'T TREAT HIM AS A NEW APPLICANT AND THEY MISREAD THE STATUED, THEY MOSTLY INDICATED THEY WERE GOING FORWARD TO DETIMINE THAT PODSAID WAS A GOOD MORAL CHARACTER, IF YOU READ THE STAUTED THAT HAS THAT LANGUAGE IT'S IN THE CONJUNCTIVE NOT THE DISCONJUNCTIVE, SUPREME COURT CAME OUT WITH A CASE ADA CO V 2007 LENDARY MOTOCYCLE 2013 OPINION 33 THE CRT SAID THE THAT A STAUTE THE CRT NEEDS TO LOOK AT THE GRAMICAL CONSTRUCTION OF IT AND APPLY GENERALLY EXCEPTED PRINCIPALS OF ENGLISH GRAMMAR, THE STATUE THEY ARE

		<p>RELYING ON THAT THEY SAY THEY CAN LOOK AT PODSAID ONLY FOR HIS GOOD MORAL CHARACTER ALL HAS TO DO WITH 3 CRITERIA, CHARACTER, AGE AND EXPERIENCE, THIS WAS A PLAY BY THE AGENCY TO AVOID HAVING A HRG ON THE CONTESTED CASE AND THAT CONTESTED CASE IS WHETHER OR NOT PODSAID VIOLATED ADVERTISING RULES OF THE AGENCY, THOSE WERE SOME OF THE COUNTS DISMISSED IN CONJUNCTION WITH THE SETTLEMENT AGREEMENT AND THAT IS NOT IN THE RECORD BECAUSE WE WERE NEVER ABLE TO DEVELOP AN APPROPRIATE RECORD BELOW BECAUSE THE WAY THIS MATTER MOVED FORWARD, AS THE COURT HAD THIS STAY IN PLACE THE AGENCY FILED A CONTESTED CASE AGAINST PODSAID WHICH IS INCLUDED IN THE RECORD CLAIMING PODSAID HAD VIOLATED AGENCY ADVERTISING RULES, PODSAID FILED AN ANSWER TO THAT AND DENIED IT AND FILED A MOTION TO DISMISS FOR THE AGENCY FAILING TO FOLLOW ITS OWN STATUTORY RULES AND GUIDELINES AND HOW TO GO FORWARD WITH THE CONTESTED CASE, IT NEVER ADDRESSED THAT, TO THIS DAY NEVER HAD AN OPPORTUNITY TO HAVE CONTESTED CASE HEARING ON THIS, YET WHEN READ APPLICANT EXAMINATION TO DETERMINE PODSAID HAS THE SKILLS TO BE A GUIDE YOU WILL FIND THAT THE PROSECUTOR APPEARED THAT DAY READY TO PRESENT THE ADVERTISING CASE WITH EVIDENCE, WHICH WAS NOT NOTICED ABOUT TO PODSAID BASICALLY FOR A CONVICTION OF PODSAID OF THE CASE THAT HAS NEVER MOVED FORWARD, WE PROTESTED GOING INTO THAT BECAUSE THAT WAS OUR SUSPICION OF WHAT THEY WERE GOING TO DO, WAS DONE IMPROPRIATELY UNDER THE RULE THE COURT IS APPROPRIATE FOR REMANDING AND REVERSING THE ACTION TAKEN BY THE BOARD</p>
201	J	KANE
	MK	<p>WANT TO WALK THROUGH THE RECORD SO COURT WILL UNDERSTAND HOW WE GOT TO WHERE WE ARE, BEGIN WITH 2008 CASE AND WILL REFER TO RECORD, WILL START ON PAGE 20A -22, SPECIALLY PAGE 22 OF THE RECORD, CITING AGREEMENT WITH PODSAID AND BOARD WHICH OCCURRED AFTER YEARS OF LITIGATION LEADING TO A GLOBAL SETTLEMENT AGREEMENT WHICH PODSAID AGREED TO SALE HIS BUSINESS WHICH HAPPENED, BUSINESS WENT TO MR THORN, PAGE 22 SECTION 13 TALKS ABOUT WHEN BUSINESS SOLD INTENT OF THE BOARD IF NOT SOLD ON OR BEFORE 12/31/08 THE LICENSE SHALL TERMINATE THE BOARD WILL TREAT IT AS A VACATED AREA, IF SOLD BOARD WILL GRANT THE EXTENSION IF FOR THE SOLE PURPOSE FOR SELLING THE BUSINESS, THE OUTFITTERS WERE ONE OF THE SAME, WHAT HAPPENED IS</p>

PODSAID DID SELL THE BUSINESS TO MR THORNE AND RECORD PAGE 30 IS DOCUMENT SHOWING THE AGMNT, NEXT THE BOARD DETERMINES WHAT TO DO WITH THE SALE, THEY APPROVED THE SALE, THEY BEGAN TO DEAL WITH THE NOTION THAT PODSAID WANTED TO BE A GUIDE AND NOT WORK FOR A&W OUTFITTERS BUT UNDER THORN'S BUSINESS, THE ONLY QUESTION THAT OUT THERE AT THAT TIME WAS WELL DOES HIS GUIDE LICENSE 12/31/08 THAT THE AGMNT SEEMS TO SAY, OR DOES IT GO FURTHER BEYOND THAT DAY, THERE WAS A DISAGREEMENT ON THAT ISSUE, PAGE 47 ON RECORD WHEN MCHUGH WAS LAWYER AND HE STATES WHAT HE WAS ISSUED EXPIRED IN 3/2009, THE ISSUE WAS WHICH DATE, WHAT HAPPENED WAS ON RECORD COPY OF LICENESE AND THAT WENT TO 3/31/2009, WHICH OF THE 2 DATES WAS IT, RECORD PG 48 COUNSEL WRITES BACK PODSAID'S ATTORNEY THAT IF THE BOARD APPROVES PODSAID'S GUIDELINES IT WOULD HAVE EXPIRED ON 12/31/08, BUT PODSAID AND ATTORNEY WOULD BE GIVEN THE OPPORTUNITY TO ADDRESS THE BOARD, THERE IS CONFUSION THERE, PG 51 THE POINT IS MADE THAT PODSAID THROUGH THE BOARD THAT IS WAS THE BOARDS DETERMINATION THAT PODSAID'S GUIDELINES WOULD EXPIRE ON 12/31/08 BASED UPON BOARDS PREVIOUS DISPLINARY ORDER, THEN GOES ON TO SAY THAT PODSAID HAS THE RIGHT TO REQUEST THE BOARDS RECONSIDERATION IN 14 DAYS, HE IS NOTICED THAT THE ISSUE IS IN PLAY AND HE HAS THE RIGHT TO REQUEST A HRG ON THE ISSUE, THIS IS IN 6/08, THE NEXT THING PG 64 OF RECORD, PODSAID'S ATTORNEY REQUESTS A HRG, PAGE 66 OF RECORD THEY GET ANOTHER REFERRAL ABOUT THE ISSUE THEY WANT TO MAKE SURE THAT WHAT THEY THINK THE LAW IS SO THEY SENT A LETTER FRM BOARD TO PODSAID'S ATTORNEY, PAGE 68 THERE IS AN OFFICAL REQ FOR THIS HRG DATED 7/9/2008 BUT WANT TO BE IN NOVEMBER NOT AUGUST, NO BOARD MTG IN NOV BUT EARLY DECEMBER, PG 70 OF THE RECORD LETTER SAYING OK HEAR IS THE DATE OF THE HRG 12/8/08, ON HEARING PODSAID STATES THAT ALL HE IS ASKING FOR IS WHETHER OR NOT HE CAN CONT UNTIL 3/31/09 STARTS ON THE RECORD PG 111 PAGE 15 OF THE TRANSCRIPT, HE ALSO STATES THIS ON PAGE 119, 122, 125, 146, ON PG 120 SPECIALLY ASKED IS PODSAID IF THIS WAS A CONTINUING LICENSE, PODSAIDS RESPONSE ON PAGE 120 LINE 6 AND 7, "IF I CHOOSE TO GUIDE IN THE FURTURE AFTER THIS I'LL APPLY", 3 YEARS AGO FINAL ORDERED OF THE BOARD ON PAGE 82 FOUND BASED UPON WHAT THEY THOUGHT THE AGREMNT WAS BASED UPON,

THAT LICENSE WOULD COME TO AN END ON 12/31/08, THAT  
 WAS APPEALED IN A TIMELY FASHION, CRT ISSUED A ORDER  
 TO STAY TO ENFORCE THAT ORDR FRM BOARD, WHAT THAT  
 MEANT IS PODSAID GOT EXACTLY WHAT HE ASKED FOR THAT  
 IS TO BE ABLE TO GUIDE THROUGH 3/31/09, AGRUE TO YOU  
 MOTION TO DISMISS AND ASK COURT TO TAKE JUDICAL  
 NOTICE OF OUR BRIEF ON THE ISSUE HE GOT WHAT HE  
 WANTED, THERE IS NOTHING ELSE TO ARGUE ABOUT IN THIS  
 CASE THERE IS NOTHING TO REMAND AND NO REASON TO  
 REMAND, THE BURDEN IS ON PODSAID TO SHOW THAT NOT  
 THAT THE BOARD MAY HAVE GOTTEN IT WRG THAT THERE  
 WERE OBUTARY INCRETIONS, GIVEN THE RECORD I DON'T  
 BELIEVE THEY WERE, THE STATUE IS CLEAR THAT ON ID  
 CODE SECTION 36-2109 SUBSECTION CBURED IN THE MIDDLE  
 WHAT IS SAYS IS THAT THE BOARD MAY ALSO REFUSE TO  
 GRANT AN OUTFITTER OR GUIDE LICENSE IF ANY HALF WAY  
 DEBT OF VIOLATION OF ANY OF THE PROVISIONS THAT IS  
 ABINDING IN THIS CHAPTER, ONE PROVISION THAT IS  
 SPECIFIED IN THE CHAPTER IS WHETHER OR NOT SOMEONE  
 IS HOLDING THEMSELVES AS AN OUTFITTER THAT ISNT ONE,  
 THAT IS A VIOLATION FO THE CHPTER AND IT'S A  
 MISDEAMEANOR OFFENSE, SECTION 36-2108 (C) SPECIALLY  
 ALLOWS THE BOARD IN ITS DECRETION THAT IT MAY MAKE  
 SUCH ADD'L INVESTIGATION RELETIVE TO THE APPLICANT  
 AND QUALIFICATIONS AS IT SHALL BE ADVISIB LE, THE BOARD  
 HAS THE ABILITY TO WITHHOLD A HRG WHETHER TO GRANT A  
 APPLICATION, THIS IS NOT A CONT APPLICATION AT ALL  
 BECAUSE IT IS A DIFFERENT OUTFITTER, DIFFERENT FROM  
 WHAT PODSAID HAD BEEN DOING AND DIFFERENT AREA, ASK  
 COURT TO CONSIDER THE FOLLOWING RECORD PAGE 21  
 THAT IS THE GUIDE LINE THAT WAS MADE, PAGE 22 PODSAID  
 DOING SNOW MOBILING AND HUNTING RECRETION IN A  
 DIFFERENT AREA ,ON PG 25 THAT THERE WHERE ALLEG  
 MADE WERE THAT PODSAID WAS HOLDING HIMSELF AS AN  
 OUTFITTER AND HE IS NOT A LICENSED OUTFITTER, THAT  
 WAS ANSWERED BY PLT NO QUESTION THEY HAD NOTICE, PG  
 220 MR BOULANGER WITHDRAWS THE APPLICATION FOR MR  
 PODSAID SAYING WE DON'T NEED HIM ANYMORE, CANT HAVE  
 A GUIDE WITHOUT A SPONSOR, 3/30/09 LAST DAY BEFORE  
 LICENSE EXPIRED, 3/30/09 MR PODSAID REAPLLIED WILL FIND  
 THAT ON RECORD PG 223, ALL HE DOES IS ADD ANOTHER DAY  
 TO ORIGINAL APPLICATION WHICH WILL FIND ON BOTTOM OF  
 PG, HE WANTS TO BE A GUIDE AGAIN, PG419 OF RECORD A  
 NOTICE OF HEARING FOR 6/17/09 AT 130P FOR PURPOSE OF  
 CONDUCTING EXAMINATION ASSERTAIN THE QUALIFICATIONS  
 OF APPLICANT FOR A GUIDE LINE, PG 214 OF RECORD IS A

		<p>LETTER FROM MS. WEEKS REFUSING TO COME TO HEARING, PG 215 STATES MY CLIENT WILL NOT PARTICIPATE IN 6/17/09 HRG WEEKS DESCRIBED IT AS A WITCH HUNT, WAS NOT WITCH HUNT IT WAS TO SAY SHOULD WE GIVE A LICENSE TO GUIDE WHO APPEARS TO BE HOLDING HIS STUFF OUT AS AN OUTFITTER AT THE SAME TIME WHICH YOU CANNOT DO, PUT IT ON RECORD, PG 26 OF TRANSCRIPT LINE 14 IF YOU DECIDE NOT TO GRANT THE LICENSE YOU STILL HAVE THE OPPORTUNITY WITHIN 21 DAYS TO ASK FOR A FORMAL CONTESTED HRG, PAGE 212 OF THE RECORD MS WEEKS REQUESTS A HRG LETTER DATED 6/24/09, VERY SAME DAYMR HALE REPRESENTING THE BOARD SENT A LETTER TO WEEKS LAYING OUT THAT THE DECISION OF THE BOARD WILL DENY NEW APPLICATION BUT GIVING HIM RIGHT TO REQUEST HRG, 7/22/09 PG 448 ON RECORD A APPEAL, SO WHAT WE HAVE IS A NOTICE, B A REFUSAL TO ATTEND HRG, C CONTEST, D APPEAL OF LETTER, WILL SUBMIT BOARD NOT IN VIOLATION OF LAW, NOT IN VIOLATION OF ITS OWN STATUE, THEY WERE BENDING OVER BACKWARDS TRYING TO HELP PODSAID, BASED UPON APPARENTLY PODSAID WAS IN VIOLATION OF THE BOARDS OWN STATUES, HE APPEALED IN LETTER INSTEAD OF HRG, HE NEVER HAS HAD HRG ON ISSUE, BUT THIS POINT HE CANT SAY THE BOARD HAS DONE ANYTHING WRG IN 2009, THE ANSWER IS TO ALL THIS IS BIND THE BOARD DIDN'T DO ANYTHING WRG YOU WERE PREMATURE IN APPEAL IF YOU WANT TO GUIDE NOW TELL US WHO YOU WANT TO GUIDE FOR AND WE CAN DEAL WITH THAT, THE NOTION THAT BOARD VIOLATED SOME RULE THAT GOING INTO EXECUITVE SESSIONS TO LITERATE, A REMAND TO DO IT ALL OVER AGAIN, MAKES NO SENSE AT ALL., ASKING FOR DISMISSAL IF YOU WANT TO APPLY AS A GUIDE YOU CAN DO IT TELL US WHAT YOU ARE DOING NOW NOT WHAT HE IS DOING FOUR YEARS AGO</p>
227	J	WEEKS
	SW	<p>SURE KANE WOULD LIKE YOU TO APPROACH IN THAT MATTER BECAUSE HE WOULD AGAIN BE IN THE POSITION OF ARGUING THAT PODSAID WAS A NEW APPLICANT IF YOU DEEM EVERY THING MOOTE, IT IS NOT BECAUSE THE KEY ISSUE HERE IS PIODSAID A NEW LICENSEE OR IS HE RENEWING, BIG PICTURE KANE URGES YOU NO HARM JUST SEND IT BACK AND HAVE CONTESTED CASE, WE ALREADY HAVE A CONTESTED CASE ON WHETHER OR NOT PODSAID WAS HOLDING HIM OUT AS A OUTFITTER IN ADVERTISING AND THAT IS THE CASE THEY REFUSE TO TAKE TO HRG, THEY FILED A COMPLAINT WE FILED AN ANSWER, WE FILED A MOTION TO DISMISS BECAUSE THEY DIDN'T COMPLY WITH ID CODE SECTION 36-2114 WHICH</p>



REQ THE ACCUSATIONS BEEN IN WRITING AND SIGNED BY PERSON FAMILIAR WITH IT, THEY WERE TRYING TO CONVICT AS MISDEAMOR CONVICT IF BROUGHT CRIMINALLY BUT WASN'T IT WAS BROUGHT THROUGH THE AGENCY SO THEY WERE TRYING TO MOVE A LICENSE FROM PODSAID UNDER THOSE ALLEGATIONS, WE DID ASK FOR A CONTESTED CASE HRG ON THAT AND HAVE NEVER HAD HRG, INSTEAD THEY HAVE IGNORED THAT CASE BECAUSE THEY KNOW THERE IS PROCEDURES IRREGULARITIES THEY HAVE TRIED TO DEVELOP A PROCEDURE TO AMBUSH PODSAID BY GOING TO A HEARING ON A LISCENCE APPLICATION WHICH ISN'T CALLED FOR IN THE STATUTE AND PRESENTING THEIR CASE AND THAT IS WHY WE WROTE THEM THE LETTER AND DIDN'T GO TO HRG, THE BOARD DOESN'T SAY INVESTATION, ANSWER THE SPECIFICS OF HIS AGRUMENTS IN 2008 CASE HE ASKING THE COURT TO INFER THAT PODSAID AGREED THAT HIS LICENSE TERMINATE ON 3/31 BECAUSE HE SAID HE WOULD APPLY 3/31 AND WHAT HE APPLIED FOR WAS A RENEWAL WHICH SOMEBODY HOLDS A LICENSE FOR APPLIES FOR UNDER THERE OWN IDPA RULES , PODSAID NEVER AGREED WITH THEM THAT HE WOULD ON 3/31/09 HIS LICENSE WOULD TERMINATED HE SAID HE WOULD APPLY IN MARCH AT THAT DATE AND THAT WAS FOR THE RENEWAL, HE ASKED FOR A RECONSIDERATION OF A BOARD MTN, PODSAID WITHDREW THAT REQUEST ON THE RECORD PG 71 AND DEMANDED THEY FOLLOW TITLE 67 AND THE RESPONSE WAS WE ARE HAVING HRG YOU BETTER BE HERE IF YOU WANT YOUR RIGHTS TO BE HEARD, WHEN HE GOT TO HEARING THE HRG OFFICER WHO IS ACTING AS JUDGE STARTS QUESTIONING HIM ON BEHALF OF BOARD ON WHAT HE ATTENDS TO BE PRESENTING AT HEARING ABOUT HIS POSITION REGARDING HIS TERMINATION OF HIS LICENSE, THERE IS NOTHING IN THE RECORD THAT SUPPORTS THAT PODSAID WANTED LISCENSES TERMINATED 3/31, WHAT IS IN RECORD IS THAT HE OBJECTED TO WHAT THEY WERE DOING HE WITHDREW HIS MTN TO RECONSIDER THEY WENT FORWARD WITH HRG OVER HIS OBJECTION AND TOLD HIM THAT HE BELIEVED HIS LICENSE EXPITRED 3/31/09 AND THAT HE WOULD APPLY AT THIAI TIME FOR HIS RENEWALS, IN 2009 PODSAID APPLIES FOR RENEWAL THEY DON'T PROCESS IT IN HIS LICENSING OUTFITTERS WRTIES BOARD AND SAYS DON'T NEED HIM NOW, HE REAPPLIES A MONTH LATER AND HIS OUTFITTERS NEEDS HIM AGAIN, AND SIGNS IT PROPERLY ENDORSED RENEWAL APPLICATION, BOARD DECIDES TO NOT HANDLE IT AS A RENEWAL APPLICATION INSTEAD THEY FOLLOW EXAMINATION PROCESS THAT NOT PROVIDED FOR IN THERE RULES OR IN



		<p>THERE STATUES, THE PUT HIM UNDER DISPLINIARY ACTION AND THEY REACHED A AGMT AND HE LIVES UP TO HIS END, HE SALES HIS BUSINESS AND GIVES UP OUTFITTERS LICENSE AND THEN THEY DETERMINE THEY ARE GOING TO TAKE AWAY HIS LICENSE, IF YOU LOOK AT RECORD OF THE SETTLEMENT AGMNT THAT WAS NOT WHAT WAS AGREED, BUT EVEN IF DISPUTE ON THAT THAT SHOULD HAVE BEEN IDENTIFIED FOR PODSAID SO HE COULD OF CLARIFIED JDMT WITH CRT, THEY ARE CLAIMING IT IS INFERED BUT EXPRESS, BUT IN RECORD PAGE 20 CLAUS 9 DISCUSSES THAT PODSAID WILL HAVE A GUIDE LISCENSE WITH MR THORN THROUGH 10/1/07 WITH PROBATION TERMS, IF YOU ARE TERMINATING SOMEONES LISCENSE YOU DON'T PUT THEM ON PROBATION , READS CLAUS 9, CLAUS 13 RE BUSINESS BEING SOLD BEFORE OR ON 12/31/08 THE LISCENSE SHALL TERMINATE, THEY WERE DISCUSSING TWO SEPARATE LISCENSES, HIS GUIDE LISCENSE WHICH WAS TO CONT AND HIS OUTFITTERS LISCENSE WHICH WAS TO TERMINATE, IT IS NOT A MOOT PT, NOT TREATING LIKE A RENEWAL LISCENSE FOLLOWING TITLE 67, FOLLOW RECCOMMENDATIONS WE HAVE GIVEN ON REMAND AND REQ THAT IT BE TREATED LIKE A NEW LISCENSE AND IF A HRG IS NEED TO GO FORWARD IT BE CONDUCTED UNDER TITLE 67 WITH A IMPARTIAL HRG OFFICER.</p>
239	J	<p>08-807 PODSAID APPEALING FROM TERMINATION OF GUIDELINES AS OF 12/31/08, 09-440 PODSAID IS APPEALING FROM BOARDS 2009 DENIAL OF GUIDE LISCENSE, FACTS NECESSARY FOR THIS APPEAL ARE AS FOLLOWS AUGUST 2007 ENTERED INTO WRITTEN AGMNT WHICH PROVIDED FOR THE TERMINATION BY 12/31/08 OF PODSAIDS OUTFITTERS LISCENSE, POSAID WAS GIVEN A LISCENSE FOR A OUTFITTERS AND GUIDE PRINTED WITH A 3/31/09 EXP DATE IN 6/08, BOARD ORDER MODIFICATION OF THE MARCH 31 2009 EXP DATE ON HIS LISCENSES TO CONFORM TO THE 12/31/08 EXP DATE PROVIDED IN 2007 STMNT AGMENT, IN 12/08 AFFIRMED THE BOARD PODSAID APPEALED THE 2008 ORDER IN 08-807, IN 12/08 FILLED OUT AND FILED WITH BOARD A FORM ENTITLED GUIDE LISCENSE APPLICATION WHICH IDENTIFIED THE APPLICATION RENEWAL OF GUIDE LISCENSE, IN THE APPLICATION SCOTT HOLAGER INDENTIFIED HIMSELF AS THE OUTFITTER AND CERTIFIED THAT PODSAID MET THE QUALIFICATIONS FOR THE HUNTING AND SNOW MOBILING ACTIVITES, 1/09 THIS CRT ISSUED ORDER STAYING MODIFICATION OF THE 3/31/09 EXPIRATION DATE, 1/09 PODSAID PROVIDED BOARD WITH CERITIFIED HUNTING AND SNOWMOBILE GUIDE TRAINING FORMS, 2/09 MR. BOLENGER</p>

INFORMED THE BOARD THAT HE NO LONGER ATTENDED TO USE PODSAID AS GUIDE, IN 3/09 PODAID FILED ANOTHER APPLICATION WITH BOARD, PODSAID WAS NOTIFIED OF A 6/17/09 HRG ON APPLICATION, PODSAID NOTIFIED BOARD HE WASN'T GOING TO ATTEND, THE BOARD HELD THAT THE APPLICATION SHOULD NOT BE TREATED AS A RENEWAL BUT AS A NEW APPLICATION THE BOARD DIDN'T ISSUE PODSAID A NEW LISCENSE, LETTER DATED 1/24/09 COUNSEL FROM BOARD NOTIFIED WEEKS THAT 6/17/09 HAD BEEN CONDUCTED, ALSO ON 1/24/09 PODSAID REQUESTED COPIES OF ALL EXHIBITS IN HRG AND REQUESTED A HRG WHICH WAS NEVER CONDUCTED, 7/22/09 FILED CASE NUMBER 09-440, COUNSEL FROM BOARD SENT A LETTER DATED 7/23/09 TO PODSAID WITH COPIES OF 6/17 HEARING RECORD AND EXHIBITS, MAIN ISSUE ON BOTH CASES IS IF LISCENSE GUIDE TERMINATED ON 12/31/08, KEY TO THIS IS THE 2007 STMNT AGMNT STATES IN PARA 10 "PODSAID SHALL BE ISSUED A RESTRICTED PROBATIONARY SOLE PROPRIORSHIP OUTFITTER LISCENSE PERIN A SOLE PROPRIORTER OUTFITTERS LISCENSE IS ALSO A GUIDE LISCENSE AS SET FORTH BELOW", IN PARA 12 THE PARTIES AGREE AS FOLLOWS "UPON RECEIPT OF A COMPLETE A VALID LISCENSE RENEWAL APPLICATION THE BOARD SHALL ISSUE A OUTFITTERS LISCENSNE EFFECTIVE FROM 4/1/08-3/31/08", PARA 13 THE PARTIES AGREED AS FOLLOWS, "IT IS THE INTENT OF THE BOARD OF AWA OUTFITTERS IS NOT SOLD BEFORE 12/31/08 THE LISCENSE SHALL TERMINATE THE BOARD SHALL TREAT THE AREA AS AVACATED AREA" "IF RESPONDANT SEEKS A EXTENSION OF THE OUTFITTERS LISCENSE BEYOND 12/31/08 THE BOARD WIL ONLY GRANT THE EXTENSION IF IS FOR THE SOLE PURPOSE OF SELLING THE OUTFITTERS BUSINESS AND IF RESPONDANT HAS PROVIDED GOOD CAUSE FOR SAID EXTENSION", PODSAID ARGUES THAT THE ID STATUES DO NOT PROVIDE THAT AN OUTFITTERS LISCENSE DOESN'T INCLUDE GUIDE LISCENSE, WHETHER OR NOT THIS IS ACTURATE, THE PARTIES DIDN EXECUTE THE 2000 AGMNT WHICH STATES THAT PODSAIDS OUTFITTERS LISCENSE WOULD CONSTITUTE AS GUIDES LISCENSE, SINCE TERMS OF THAT AGMENT HIS OUTFITTERS LISCENSE IS HIS GUIDE LISCENSE, THE AGRMENT CONTEMPLATES THE TERMINATION OF HIS OUTFITTERS LISCENSE ON 12/31/08 WOULD ALSO RESULT IN TERMINATION OF GUIDE LISCENSE AT THE SAME TIME, PODSAID AGRES THAT THE BOARD REVOKED HIS LISCENSE AS OF OR AFTER 12/31/08 BY THE TERMS OF THE SETTLEMENT EXPIRED ON 12/31/08, THE ISSUE OF 3/31/09 EXP DATE PRINTED ON GUIDE LISCENSE



**MICHAEL J. KANE**  
**MICHAEL KANE & ASSOCIATES, PLLC**  
1087 W. River Street, Suite 100  
Post Office Box 2865  
Boise, Idaho 83701-2865  
Telephone: (208) 342-4545  
Facsimile: (208) 342-2323  
Idaho State Bar No. 6207

STATE OF IDAHO  
COUNTY OF SHOSHONE/SC  
FILED

2013 APR 25 PM 2:55

PEGGY WHITE  
CLERK DIST. COURT  
BY *Mala Hanson*

ATTORNEYS FOR RESPONDENT

IN THIS DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A. T. "SANDY" PODSAID,	)	
	)	
Petitioner,	)	Case No. CV-09-440
	)	
vs.	)	ORDER
	)	
STATE OF IDAHO OUTFITTERS AND	)	
GUIDES LICENSING BOARD, a state	)	
agency.	)	
	)	
Respondent.	)	
	)	

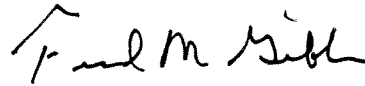
The above-entitled matter came on for hearing on April 8, 2013. The Petitioner, A.T. "SANDY" PODSAID (hereinafter "Podsaid" or "Petitioner"), was represented by Susan P. Weeks and the Respondent, STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD (hereinafter "Board" or "Respondent"), was represented by Michael J. Kane.

The Court having reviewed the record and briefing in this matter, and having heard oral argument, hereby finds that the Board was correct in considering the 2009 application for a guide license as a new application, and, given that Podsaid appealed a letter as opposed to a contested hearing, the Court remands the matter for a hearing before the Board. The Court declines to require

the Board to hire an independent hearing officer, and denies Petitioner's request for attorney's fees and costs.

IT IS HEREBY ORDERED.

DATED this 25 day of April, 2013.



JUDGE FRED M. GIBLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25 day of April, 2013, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Attorney for Petitioner:

Ms. Susan P. Weeks  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
[Facsimile: (208) 664-1684]

☒ U.S. Mail

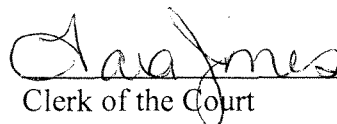
☐ Facsimile

Attorney for Respondent:

Mr. Michael J. Kane  
Michael Kane & Associates, PLLC  
P. O. Box 2865  
Boise, ID 83701  
[Facsimile: (208) 342-2323]

☒ U.S. Mail

☐ Facsimile

  
Clerk of the Court



STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

2013 MAY 15 PM 5:59

PEGGY WHITE  
CLERK DIST. COURT  
BY Marta Amer

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent.

Case No. CV-09-440

PETITION FOR REHEARING

COMES NOW the Petitioner on Appeal, , pursuant to I.R.C.P. 84(r), 84(t) and Idaho Appellate Rule 42, and files this timely Petition for Rehearing of the Court's judgment entered in the above matter on April 24, 2013. Pursuant to I.A.R. 42(b), Petitioner will file a brief or memorandum in support of the petition within 14 days of the filing date of this petition setting forth the grounds in support of the petition for rehearing.

DATED this 15<sup>th</sup> day of May, 2013.

JAMES, VERNON & WEEKS, P.A.

Susan P. Weeks  
SUSAN P. WEEKS  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15<sup>th</sup> day of May, 2013, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (FAX) (208) 342-2323

Christine Elmer

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
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Fax: (208) 664-1684

FILED 5-29-13

At 3:30 O'Clock AM ☒ PM

PEGGY WHITE, CLERK DISTRICT COURT  
Clerk of the District Court

By Maria Anson

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent.

Case No. CV-09-440

MEMORANDUM IN SUPPORT OF  
PETITION FOR REHEARING

Petitioner herein request the Court grant its Petition for rehearing to reconsider its ruling for the reasons set forth herein. As with the companion petition, Petitioner has attempted to distill the reasons behind this petition to their simplest forms.

Pending before the agency, but never resolved was a contested case between Petitioner and the agency wherein the agency claimed Petitioner had violated its advertising rules. Petitioner answered the complaint and moved to dismiss for failure of the agency to follow proper procedure in filing the complaint. The agency never moved forward with the contested case as required by statute and companion provisions of the Idaho Administrative Procedures Act. Thus, Petitioner was never given his opportunity in court to contest the case as provided by the due process clause, Idaho statue, and the



procedures set forth in the administrative procedures act. In particular, the Board of the agency had a duty to hold the evidentiary hearing. I.C. § 36-2107(c).

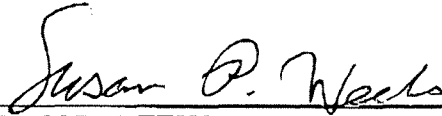
Petitioner applied for a license renewal while its petition on appeal was pending. The agency deemed Petitioner's renewal application a new application rather than a renewal. On that basis, the agency claimed it had a right to conduct a licensee examination in the form of an evidentiary hearing on Petitioner's qualifications to hold a license, even though the only authority granted to it with respect to a new licensee is to conduct an examination. I.C. § 36-2107(a). The board proceeded at the licensee examination to hold an evidentiary hearing on the contested case, but did not follow the administrative procedure act for a contested case. In other words, the agency attempted to ambush the Petitioner into appearing at a hearing on the contested case without actually conducting the contested case as required by law. This action prejudiced Petitioner, who is entitled to have the contested case conducted in accordance with Idaho law, and is entitled to have any license examination conducted in the same manner as any other license applicant.

In choosing to conduct the contested case in this manner, the agency violated the applicant's right to due process of law. Petitioner was, and continues to be, harmed by the agency's refusal to properly conduct a hearing on the merits of the contested case and its attempts to skirt the contested case rules which were designed to protect due process of law. In taking these actions, the agency exceeded its statutory authority and acted

arbitrarily and capriciously.

DATED this 29<sup>th</sup> day of May, 2013.

JAMES, VERNON & WEEKS, P.A.

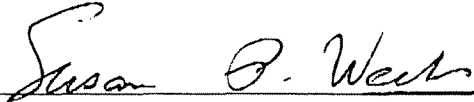
  
\_\_\_\_\_  
SUSAN P. WEEKS  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 29<sup>th</sup> day of May, 2013, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

☐ U.S. Mail  
☐ Hand Delivered  
☐ Overnight Mail  
☒ Telecopy (FAX) (208) 342-2323

  
\_\_\_\_\_

Susan P. Weeks, ISB # 4255  
James, Vernon & Weeks, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814  
Telephone: (208) 667-0683  
Fax: (208) 664-1684

Attorneys for Petitioner

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2013 JUL -8 PM 12: 25

PEGGY WHITE  
CLERK DIST. COURT  
BY *[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent.

Case No. CV-09-440

ORDER DENYING PETITION FOR  
REHEARING

On consideration of the Petition for Rehearing filed by the Petitioner in the above  
case on May 15, 2013 and supporting Memorandum filed on May 29, 2013,

IT IS HEREBY ORDERED the petition is denied.

DATED this 8 day of July 2013.

By *Fred M. Gibler*  
Fred M. Gibler  
District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8 day of July 2013, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

SUSAN P. WEEKS  
JAMES, VERNON & WEEKS, P.A.  
1626 Lincoln Way  
Coeur d'Alene, ID 83814

☐ U.S. Mail  
☐ Hand Delivered  
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Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

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\_\_\_\_\_

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James, Vernon & Weeks, P.A.  
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Telephone: (208) 667-0683  
Fax: (208) 664-1684

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2013 AUG 19 PM 2:20

PEGGY WHITE  
CLERK DIST. COURT  
BY *Mala Anson*  
DEPUTY

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID,

Petitioner/Appellant,

vs.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a state agency,

Respondent/Respondent.

Case No. CV-09-440

NOTICE OF APPEAL

FILING CATEGORY: L4

FILING FEE: \$109.00

**TO: THE ABOVE NAMED RESPONDENT, STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD, AND THE PARTY'S  
ATTORNEY, MICHAEL KANE, AND THE CLERK OF THE ABOVE-  
ENTITLED COURT.**

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant, A.T. "Sandy" Podsaid, appeals against the above-named Respondent, Idaho Outfitters and Guides Licensing Board, to the Idaho Supreme Court from the Order entered April 25, 2013 and the Order Denying Petition for Rehearing entered July 8, 2013 entered in the matter, Hon. Judge Fred M. Gibler presiding.

2. Appellants have a right to appeal to the Idaho Supreme Court and the judgments described in Paragraph 1 are appealable orders under and pursuant to Rule 11(a)(1), Idaho Appellate Rules.
3. A preliminary statement of the issues on appeal which the Appellants then intend to assert in the appeal; provided, such list of issues on appeal shall not prevent the Appellants from asserting other issues on appeal:
  - (a) Did the District Court err in finding Podsaid's due process rights were not violated?
  - (b) Did the District Court err in determining the agency did not act arbitrarily and capriciously?
4. No order has been entered sealing all or any portion of the record.
5. The Appellants request the preparation of a hard copy of the following portions of the reporter's transcript:
  - a. 4/8/2013 Appeal Hearing (Byrl Cinnamon)(under 100 pages).
6. The Appellants request the electronic scan form of the Clerk's records pursuant to I.A.R. 27(b).

	Register of Action
07/23/2009	Petition for Judicial Review
09/04/2009	Petitioner's Motion for Stay
09/16/2009	Motion to Dismiss Appeal
09/16/2009	Memorandum in Support of Respondent's Motion to Dismiss Appeal
09/16/2009	Affidavit of Jake Howard
09/22/2009	Amended Petition for Judicial Review of Final Order
11/03/2009	Opposition to Motion to Dismiss
11/03/2009	Affidavit of Susan Weeks in Support of Opposition to Motion to Dismiss
11/03/2009	Affidavit of A.T. "Sandy" Podsaid in Opposition to Respondent's Motion to Dismiss
07/14/2010	Amended Stipulation for Consideration of Guide License Application

05/02/2011	Stipulation to Lift Stay and Proceed with Appeal
05/03/2011	Order to Lift Stay and Proceed with Appeal
02/02/2012	Petitioner's Motion To Set Briefing Schedule On Appeal
05/01/2012	Motion to Dismiss for Failure to Prosecute
05/01/2012	Affidavit of Michael Kane in Support of Motion to Dismiss for Failure to Prosecute
05/01/2012	Memorandum in Support of Motion to Dismiss for Failure to Prosecute-copy to Judge and Scott
07/02/2012	Opposition to Motion to Respondent's Motion to Dismiss
07/09/2012	Order Denying Def's Mtn to Dismiss
08/14/2012	Notice of Lodging Agency Record
08/14/2012	Agency Record for Judicial Review
09/06/2012	Board's Response to Podsaid's Objection to Lodged Agency Record
09/06/2012	Notice of Lodging Amended Agency Record
09/06/2012	Amended Agency Record for Judicial Review
09/17/2012	Notice of Lodging Transcript
09/17/2012	Transcript Filed of the June 17, 2009 hearing
09/25/2012	Notice of Filing Amended Agency Record
10/02/2012	Notice of Filing Transcript (of the June 17, 2009 hearing) (from Michael Kane)
12/31/2012	Order Setting Briefing and Schedule and Notice of Appeal Hearing (Schedule is as follows: 1/14, 2013 Petitioners appeal brief due, Respondent's response brief 2/19/13, Petitioners reply brief 3/18/13)
04/25/2013	Order
05/15/2013	Petition for Rehearing
05/29/2013	Memorandum in Support of Petition for Rehearing-copies to Judge and Scott
07/08/2013	Order Denying Petition for Rehearing
08/19/2013	Notice of appeal
	Any cross-appeal
	Any request for additional reporter's transcript or clerk's record
	A court reporter's notice of lodging with the district court

7. The appellant requests the amended agency record lodged with the district court on September 6, 2012 be copied and sent to the Supreme Court.

8. I certify:

(a) That a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:

Byrl Cinnamon, P.O. Box 527, Wallace, ID 83873.

(b) That the clerk of the district court has been paid the estimated \$55.00 fee for preparation of the reporter's transcript.


(c) That the estimated fee for preparation of the clerk's or agency's record has been paid.

(d) That the appellate filing fee has been paid.

(e) That service has been made upon all parties required to be served pursuant to Rule 20.

DATED this 19<sup>th</sup> day of August, 2013.

JAMES, VERNON & WEEKS, P.A.

  
\_\_\_\_\_  
SUSAN P. WEEKS  
Attorneys for Petitioner



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 19<sup>th</sup> day of August, 2013, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Michael Kane  
Michael Kane & Associates, PLLC  
P.O. Box 865  
Boise, ID 83701-2865

☐ U.S. Mail  
☐ Hand Delivered  
☒ Overnight Mail  
☒ Telecopy (FAX) (208) 342-2323

Byrl Cinnamon  
P.O. Box 527  
Wallace, ID 83873

☐ U.S. Mail  
☐ Hand Delivered  
☒ Overnight Mail  
☒ Telecopy (FAX)

Christine Elmore

# In the Supreme Court of the State of Idaho

2013 OCT 2 PM 1:00.

PEGGY WHITE  
CLERK DIST. COURT  
BY *M. J. [Signature]*  
DEPUTY

A.T. "SANDY" PODSAID,

Petitioner-Appellant,

v.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a State  
agency,

Respondent.

A.T. "SANDY" PODSAID,

Petitioner-Appellant,

v.

STATE OF IDAHO OUTFITTERS AND  
GUIDES LICENSING BOARD, a State  
agency,

Respondent.

ORDER CONSOLIDATING APPEALS

Supreme Court Docket No. 41397-2013  
Shoshone County No. 2008-807

Supreme Court Docket No. 41398-2013  
Shoshone County No. 2009-440

It appearing that these appeals should be consolidated for all purposes for reasons of judicial economy; therefore, good cause appearing,

IT HEREBY IS ORDERED that appeal No. 41397 and 41398 shall be CONSOLIDATED FOR ALL PURPOSES under No. 41397, but all documents filed shall bear both docket numbers.

IT FURTHER IS ORDERED that the District Court Clerk shall prepare a CLERK'S RECORD, which shall include the documents requested in the Notices of Appeal, together with a copy of this Order.

IT FURTHER IS ORDERED that the District Court Reporter shall prepare a REPORTER'S TRANSCRIPT, which shall include the transcripts requested in the Notices of Appeal.

ORDER CONSOLIDATING APPEAL – Docket No. 41397-2013/41398-2013

DATED this 2<sup>nd</sup> day of October, 2013.

For the Supreme Court

*Dorothy Beaver for*  
Stephen W. Kenyon, Clerk

cc: Counsel of Record  
District Court Clerk  
District Court Reporter

STATE OF IDAHO  
COUNTY OF SHOSHONE/SS  
FILED

2013 OCT 21 AM 10:19

TO: Clerk of the Court.  
Idaho Supreme Court  
P.O. Box 83720  
Boise, ID 83720-0101

PEGGY WHITE  
CLERK DIST COURT  
BY Maria Anson  
DEPUTY

DOCKET NO. 41397, 41398

( A.T. "SANDY" PODSAID  
(  
( vs.  
(  
( STATE OF IDAHO OUTFITTERS AND  
( GUIDES LICENSING BOARD, a State  
agency.

CV - 2008 - 807

CV - 2009 - 440

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on October 21, 2013, I lodged a transcript of 47 pages in length for the above-referenced appeal with the District Court Clerk of the County of Shoshone in the First Judicial District. I have lodged all assigned appellate transcript(s) requested in the Notice of Appeal.

4/8/13, Oral argument on appeal

Byrl Cinnamon

Byrl Cinnamon

October 21, 2013

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID, )  
)  
Petitioner-Appellant, )

vs. )

STATE OF IDAHO OUTFITTERS )  
AND GUIDES LICENSING )  
BOARD, a state agency, )  
ROWE, )  
)  
Respondent )

\_\_\_\_\_  
A.T. "SANDY" PODSAID, )  
)  
Petitioner-Appellant, )

vs. )

STATE OF IDAHO OUTFITTERS )  
AND GUIDES LICENSING )  
BOARD, a state agency, )  
ROWE, )  
)  
Respondent )

\_\_\_\_\_  
State of Idaho )  
County of Shoshone )

SUPREME COURT NO. 41397-2013  
DISTRICT COURT NO. CV-2008-807  
CV-2009-440

**CLERK'S CERTIFICATE**

I, PEGGY WHITE, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Shoshone, do hereby certify that the foregoing Record in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents required by Appellate Rule 28, as well as those additionally requested in the Notice of Appeal.

**I FURTHER CERTIFY** that the Court Reporter's Transcript will be duly lodged with the Clerk of the Supreme Court along with the Clerk's Record (which consists of three volumes) in the above entitled cause of action.

**I FURTHER CERTIFY** that all of the exhibits described in the Clerk's Certificate of Exhibits will be duly lodged with the Clerk of the Supreme Court along with the Court Reporter's Transcript and the Clerk's Record in the above entitled cause of action.

**PLEASE NOTE:** that due to clerical error, there is no page #368 of the Clerk's Record.

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the seal of said court at Wallace, Idaho this 17th day of January, 2014.

PEGGY WHITE, Clerk District Court

By Mala Anson Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID, )  
 )  
 Petitioner-Appellant, )

vs. )

STATE OF IDAHO OUTFITTERS )  
AND GUIDES LICENSING )  
BOARD, a state agency, )  
ROWE, )  
 )  
 Respondent )

\_\_\_\_\_  
A.T. "SANDY" PODSAID, )  
 )  
 Petitioner-Appellant, )

vs. )

STATE OF IDAHO OUTFITTERS )  
AND GUIDES LICENSING )  
BOARD, a state agency, )  
ROWE, )  
 )  
 Respondent )

\_\_\_\_\_  
State of Idaho )  
County of Shoshone )

SUPREME COURT NO. 41397-2013  
DISTRICT COURT NO. CV-2008-807  
CV-2009-440

CLERK'S CERTIFICATE OF EXHIBITS

I, PEGGY WHITE, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Shoshone, do hereby certify that the following list of exhibits is a true and correct copy of the items being forwarded as exhibits to the Supreme Court in the above entitled cause:

	LODGED	REFUSED
Administrative Record for Judicial Review	1-26-2009	
Transcript of the 12-8-2008 Hearing before the Board	3-16-2009	
Agency Record for Judicial Review	8-14-2012	
Transcript of the 6-17-2009 Hearing before the Board	9-17-2012	
Amended Agency Record for Judicial Review	9-6-2012	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of  
said Court at Wallace, Idaho this 12<sup>th</sup> day of March, 2013.

PEGGY WHITE, Clerk District Court

By Maria Hanson Deputy Clerk



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

A.T. "SANDY" PODSAID, )  
 )  
Petitioner-Appellant, )  
 )  
vs. )  
 )  
STATE OF IDAHO OUTFITTERS )  
AND GUIDES LICENSING )  
BOARD, a state agency, )  
ROWE, )  
 )  
Respondent )

SUPREME COURT NO. 41397-2013  
DISTRICT COURT NO. CV-2008-807  
CV-2009-440

**NOTICE OF COMPLETION**

A.T. "SANDY" PODSAID, )  
 )  
Petitioner-Appellant, )  
 )  
vs. )  
 )  
STATE OF IDAHO OUTFITTERS )  
AND GUIDES LICENSING )  
BOARD, a state agency, )  
ROWE, )  
 )  
Respondent )

TO: **STEPHEN W. KENYON**, Clerk of Supreme Court; **SUSAN WEEKS** for the  
Appellant and **MICHAEL J KANE** for the Respondent:

**YOU ARE HEREBY NOTIFIED** that I have personally served or mailed, by  
certified United States mail, one copy of the Clerks Record (consisting of three volumes)  
along with one copy of the Court Reporter's Transcript and copies of the various Agency  
Records in the above entitled cause upon each of the following:

**SUSAN WEEKS**  
Attorney at Law  
1626 Lincoln Way  
Coeur d'Alene ID 83814

**MICHAEL J KANE**  
Attorney at Law  
1087 W River St, Ste 100  
Boise ID 83701-2865

**YOU ARE FURTHER NOTIFIED** that, pursuant to Rule 29(a), Idaho Appellate Rules, all parties have twenty-eight days from this date in which to file objections to the Record, including requests for corrections, additions or deletions. In the event no objections are filed within the twenty-eight day period, the Record shall be deemed settled.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Court this 21st day of January, 2014.

PEGGY WHITE, Clerk District Court  
By *Marla Hanson* Deputy